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The Dimensions of the Responsibility of the President of the Republic in the Hungarian Constitutional System^[1]

ABSTRACT

A fundamental feature of parliamentary forms of government is that the head of state has no political responsibility, only legal responsibility. The form of government of Hungary is a republic which works in a parliamentary governmental system. Consequently, in order to make certain decisions the President of the Republic needs the countersignature of a member of the government, who thereby assumes political responsibility for the decision. On the other hand, the Head of State also has powers which he can exercise on his own authority, without the need for a countersignature. On the basis of the above, I believe that it can be argued that the President of the Republic also has political responsibility, and not just solely on the basis of the powers that he can exercise without countersignature. In my study, I seek to support this hypothesis.

Keywords: President of the Republic ■ political responsibility ■ legal responsibility

I. INTRODUCTION

The form of government of Hungary is a republic which operates within a parliamentary governmental system. Consequently, the President of the Republic serves as the head of state, while the Prime Minister serves as the head of government. One of the basic features of parliamentary governmental systems is the principle that the head of state has no political responsibility, but only (public) legal responsibility. Therefore, there are functions and powers of the head of state that in order to be valid require the countersignature of a member of the government who thereby assumes political responsibility for the possible consequences of the de-

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cision. From this doctrinal premise, it can be concluded that the President of the Republic bears only legal responsibility for the exercise of his functions and powers. In this context, I believe it is worthwhile to interpret political responsibility in a broader sense than is usual in the literature on parliamentary governmental systems. The literature also neglects the question of responsibility in relation to functions and powers that can be exercised without a countersignature. Delving into functions and powers exercisable without a countersignature could logically lead to a two-way conclusion. On the one hand, it could be argued that the functions and powers that can be exercised without a countersignature are not of such a nature/weight as to justify the political responsibility of the head of state. Another line of reasoning is that these powers support the claim that the President of the Republic does indeed have political responsibility.

In light of the above, I believe that the President of the Republic not only possesses legal but also political responsibility. As a possible justification of this hypothesis, a theoretical and legal-dogmatic analysis is required. First of all, it is necessary to define the place and the role of the President of the Republic in the constitutional system, with a focus on the parliamentary form of government. It is then appropriate to distinguish between legal and political forms of responsibility, before drawing conclusions on the nature of the political responsibility of the executive in parliamentary governmental systems. In my view, only this way can the political responsibility of the President of the Republic be justified.

II. THE STATUS OF THE PRESIDENT OF THE REPUBLIC IN THE CONSTITUTIONAL SYSTEM

In order to situate the President of the Republic in the Hungarian constitutional system, we must start by discussing the different forms of government. In public law, the form of government is understood as the constitutional system in which the highest state organs – the parliament, the government, and the head of state – function. The essence of the form of government is to be found in the specific constitutional solution of the responsibilities of the executive power. The degrees of responsibility can be derived from the institutions of trust and confidence. There are two extremes on the imaginary scale of trust/distrust. On one end of the spectrum, there is pure parliamentarianism, while on the other end we find pure presidentialism. In parliamentary governmental systems, the head of state usually has a symbolic role, as the executive power is exercised by the government (led by the head of government) which bears political responsibility for its actions and decisions towards the parliament. On the basis of this responsibility, the government can be held accountable by the parliament through a motion of no confidence and a vote.^[2]

[2] Kukorelli, 2014, 13-14.

Benjamin Constant defined the relationship between the classical triad of powers and the head of state as follows: the three political powers – the executive, the legislature and the judiciary – are all locomotives which, in their own sphere of influence, must act together to produce a universal movement, but if these locomotives diverge from their course, collide and stall each other, a force is needed to bring them back into their places. This force cannot be in any one of these locomotives, for it would serve to destroy the others. It is therefore necessary that it should be outside the circle, that it should be neutral, so that it may be applied wherever its application is indispensable in order to save from harm to remedy injuries without being hostile.^[3]

In addition to the theoretical works, the Hungarian Constitutional Court has also established the status of the President of the Republic in the Hungarian constitutional system under the former Constitution (hereinafter: Constitution): The President of the Republic is outside the executive power, he has an independent function and powers as the head of state. It is not possible to derive a construction from the Constitution where the executive power would be co-headed by the Government and the President of the Republic, who would mutually check and counterbalance each other and take decisions based on consensus, and where only the management of public administration would be the sole responsibility of the Government. On the contrary, the inviolability of the President of the Republic, as expressly declared in Article 31/A (1) of the Constitution, i.e., the absence of political accountability to Parliament, precludes the legal basis for such joint exercise of power.^[4] In my view, however, the absence of political responsibility of the President of the Republic cannot be inferred from the absence of inviolability. The concept of political responsibility is usually defined as a form of responsibility derivable from the functioning of parliamentary governmental systems and of the executive power. Contrary to the above, I believe that political responsibility must be construed as a broader category, which is not traceable back to the inviolability of the Head of State, as I will seek to demonstrate later in this paper.

The exercise of power by a head of state is constitutional, not because the form of government is parliamentary or presidential, but because it complies with the constitution.. However, since the constitution also contains functions and powers vested in the head of state unrelated to the form of government, it becomes imperative to consider phenomena beyond the form of government to fully encompass the constitutional power of the head of state. Naturally, what pertains to the exercise of constitutional power by the head of state, also applies other organs of state. Furthermore, the head of state also functions as a kind of political (not legal) constitutional guardian.^[5] From the constitutional definition of the status of the President of the Republic, it is clear that the institution is not a

[3] Constant, 1862, 13.

[4] Decision 48/1991. (IX. 26.) of the Constitutional Court, 1991, 217., 230.

[5] Szentpéteri, 2017, 40.

governmental office. Thus, the Head of State does not engage in political activity in the sense that he does not determine the basic directions of the functioning of society. However, it can be inferred from the constitution that the activity of the head of state influences the political branches of power and that the decisions of the President of the Republic may be influenced by certain value choices. The role of the President of the Republic as a “trouble preventive”, by which he restores the functioning of the branches of power, implies interference in the functioning of the legislative and executive branches. Thus, we cannot speak of a completely neutral head of state. Indeed, the essence of neutrality is not that the President of the Republic has no powers over the functioning of the legislative or executive branch, but that he cannot take over the functions of other branches of power.^[6] Contrary conclusions also exist, which can be associated with the institution of countersignature, and which emerged concurrently with the parliamentary system of government. The basic principle is that someone must be held accountable for all valid decisions until the head of state can be held politically responsible.^[7] The countersignature is a condition for the validity of the acts of the President of the Republic. On the one hand, it ensures that the acts of the President do not conflict with the policy of the Government and, on the other hand, it brings the act of the President of the Republic into the system of parliamentary responsibility by the Government assuming political responsibility for the act.^[8] If the head of state had political responsibility, it would no longer be a neutral power and would become part of the executive.^[9]

On the other hand, it can be asserted that the president’s role as the guardian of constitutionality extends beyond legal matters and encompasses the exercise of all the powers he or she has been given. According to Lóránt Csink, this is also a political task. The president also guards the democratic functioning of the state in such a way that he can analyse and criticise certain social events, official or government measure, or political practice, and call for the restoration of constitutional functioning. Thus, the president’s vigilance over the constitutional functioning of the state and fundamental rights can also manifest itself in the political arena. In such cases, the head of state may use political tools (e.g., speeches, declarations), i.e., guidelines that have no legal effect. The true effect it actually has is for history to decide.^[10]

The Constitutional Court stated in its decision 48/1991 (26. IX.) that one of the fundamental duties of the President of the Republic, according to the provisions of the Constitution,^[11] is to guard of the democratic functioning of the state

[6] Csink, 2014, 82.

[7] Szentpéteri, 2005, 125.

[8] Decision 48/1991. (IX. 26.) of the Constitutional Court, 1991, 217., 234.

[9] Szentpéteri, 2005, 125.

[10] Sólyom, 2009, 84.

[11] The Constitution of the Republic of Hungary (hereinafter: former Constitution), Article 29., Paragraph (1).

organisation.^[12] This must be taken into account in the interpretation of the individual functions and powers, since the head of state fulfils this function by his independent political decisions. An autonomous political decision is a decision of the President of the Republic, which is final and irrevocable, but for which neither the President of the Republic nor any other organ bears political responsibility to the Parliament. The Constitution gives the President of the Republic the right to take independent political decisions in cases where there is a serious disturbance in the functioning of the state and where his intervention is necessary to remedy it. It also follows from this task that the President of the Republic, in the exercise of his powers, must always have regard to the democratic functioning of the State as a whole, including its procedural and technical aspects. The “guarding” extends beyond crisis prevention, being an integral part of the normal functioning of the state, wherein the President of the Republic exercises his own powers. Frequently, the President’s decisions are linked to the exercise of the powers by the initiating organ and the organ politically accountable for it. These two decisions carry legal consequences only when taken together.^[13]

III. LEGAL AND POLITICAL RESPONSIBILITY OF THE PRESIDENT OF THE REPUBLIC

Basically, in the organisation of the state, someone must be responsible for all decisions taken by the public authorities, regardless of the branch of power or the form of responsibility (legal or political) in the system of separation of powers. In my opinion, this is one of the foundations of the democratic exercise of power. Of course, different rules apply to different forms of responsibility, including the conduct on which responsibility is based, the establishment of responsibility and the determination of the legal consequence.

[12] According to Albert Takács, the exclusion of political responsibility of the head of state lacks justification. The President of the Republic bears responsibility for the deliberate violation of the constitution. Under this rule, the President of the Republic can be held liable not only when the violation of the constitution is connected with the exercise of his office. According to the provisions of the Fundamental Law, a violation of the constitution also occurs when it is contrary to its values. Furthermore, Takács emphasises that the values of constitution are a political moral category to which the criteria of moral validity are clearly applicable. Additionally, characterising the constitutional role of the head of state as the one who “embodies the unity of the nation and safeguards the democratic functioning of the state organisation” holds a symbolic and moral significance. As for the meaning of the values of the Constitution and the moral direction of the head of state’s office, it is not legal interpretation but rather political practice that provides a reassuring answer. On this basis, the author concludes that the responsibility of the President of the Republic can be interpreted as a form of political responsibility. Additionally, it is also worth mentioning that the Constitutional Court is not obliged to apply the only possible consequence of the finding of responsibility – i.e., the removal from office – even if it could be established beyond reasonable doubt that the head of state has intentionally violated the Fundamental Law. See Takács, 2018, 156-157.

[13] Decision 8/1992. (I. 30.) of the Constitutional Court, 1992, 51., 54.

In relation to legal responsibility, most people accept the general proposition that not all transgressions of moral standards must lead to legal repercussions, since only a narrow set of moral standards are codified in legal rules. And the process of establishing legal responsibility is a highly formalised procedure, as opposed to an informal process of moral liability.^[14] The consequence of establishing responsibility is the application of a sanction, which the person held responsible must bear. However, in this context the following cases need to be clarified: first, whether responsibility exists without the application of a sanction. One possible approach is that the expression of social disapproval is in fact achieved through the application of a sanction. Thus, if no sanction is applied – which also means that the social disapproval is not expressed – the negative content of the social judgement is reduced to such an extent that there is no question of responsibility. Another important question is whether responsibility can always be established behind the application of a sanction. In this case an important guarantee is that sanctions should only be applied to those who have been found to be responsible, because transgressing this principle would not only breach the rule of law but also disrupt the legal order.^[15]

And in the context of political responsibility, it can generally be said that the primary political responsibility lies with the person who has violated a political norm. In this case, the question of political responsibility must be linked to power, which implies that political responsibility is hierarchical, with greater political power corresponding to greater political responsibility.^[16] Political responsibility, on the other hand, is not fundamentally a legal category. The essence of political responsibility is that anyone who fails to perform his duties properly must anticipate adverse consequences for his public mandate. There are two dimensions of political responsibility: immediate (which means removal from office) and delayed (which means not being re-elected after the term of office has expired). In his dissenting opinion, Géza Kilény argues that there is a delayed political responsibility for the head of state, similar to that of the Members of Parliament: if the new Parliament is dissatisfied with his performance, they may choose not to re-elect the incumbent to the position. At the same time, the legal responsibility of the President of the Republic is extremely broad: any breach of the Constitution or of the law may justify his legal accountability and removal from office. The Constitution does not even impose the condition that

[14] Miklós, 2011, 34.

[15] Bihari, 1980, 54.

[16] Földesi, 2000, 86.

the illegality must be intentional.^[17] This extremely strict degree of legal responsibility is unique in the upper sphere of the state: neither Members of Parliament, nor members of the Government, nor members of the Constitutional Court, nor judges bear such responsibility.^[18]

In his dissenting opinion, Géza Kilényi also stated that the President of the Republic is not immediately politically responsible,^[19] but I believe that the immediate political responsibility of the head of state can be substantiated, because the resignation^[20] of the President of the Republic^[21] can also be included in this category. Although, in this case, the decision of another organ is not required to remove him from office, I do not rule out the possibility of “self-establishment” of political responsibility.^[22] “Self-establishment” of responsibility is not possible in a legal responsibility system. In all cases, legal liability – regardless of its legal form – must be established by some legal forum, and sanctions may be imposed by a public power. Thus, there is no possibility of “self-establishment” or “self-sanctioning” of responsibility in law. Of course, anyone can make a confession in a criminal proceeding or admit to committing or failing to commit an act giving rise to responsibility in another area of law, but in this case too it is essential that a legal forum accepts and, in a decision – with public power –, definitively establishes the existence of legal responsibility and imposes a sanction.

“Political and legal responsibility are different in nature and independent of each other. The immunity of the President of the Republic from political responsibility does not exempt him from legal responsibility if the conditions for it are met. The legal responsibility of the President of the Republic does not in any way replace his lack of political responsibility.”^[23] Albert Takács starts from the sameness of legal responsibility and political responsibility when he describes constitutional responsibility as political responsibility. According to the author,

[17] According to Article 31/A., Paragraph (2) of the Constitution, “Should the President of the Republic violate the Constitution or any other law while in office, a motion supported by one-fifth of the Members of Parliament may propose that impeachment proceedings be initiated against the President of the Republic.” It is worth stressing that the Fundamental Law has substantially amended the above-mentioned provision of the Constitution, since it establishes intentionality as a criterion for determining responsibility: “If the President of the Republic intentionally violates the Fundamental Law or, in connection with performing his office, any Act, and if he commits an intentional criminal offence, one fifth of the Members of the National Assembly may propose his removal from office.” Fundamental Law, Article 13., Paragraph (2).

[18] Decision 36/1992. (VI. 10.) of the Constitutional Court, 1992, 207, 221-222.

[19] Decision 36/1992. (VI. 10.) of the Constitutional Court, 1992, 207, 221-222.

[20] It should be stressed that I interpret resignation as a possible consequence of political responsibility only in the context of the President of the Republic. I have not dealt with the other organs of state.

[21] Albert Takács also places the resignation of the head of state within the category of political responsibility, which he defines as based on political morality. For more details see: Takács, 2015, 156-158.

[22] Pál Schmitt, the former president of the republic, justified his resignation by claiming that his plagiarism case was dividing the Hungarian nation See: Portfolio.hu: *Lemondott Schmitt Pál...*, 2012.

[23] Decision 48/1991. (IX. 26.) of the Constitutional Court, 1991, 217., 237.

the meaning and function of constitutional responsibility as a political responsibility can be traced back to the fact that power is based on delegation. In a similar formulation, each constitution derives power from the people: the source of public power is the people. Whoever is given power assumes an obligation and is responsible to fulfil it in accordance with the spirit of the mandate. The balance between giving and receiving is the driving principle of political responsibility.^[24] In my view, legal responsibility (including constitutional liability) cannot be identified with political responsibility, since legal responsibility also has constitutional guarantees which are not enforced with the same content in the system of political responsibility, or perhaps not at all, therefore the establishment of political responsibility may be illegal, of which history provides numerous examples. Of course, legal responsibility can also be unlawful, but in this case – with certain limitations – the person held liable has legal remedies. However, in the case of purely political accountability, such as a vote of no confidence in the government by parliament, there are no such legal control mechanisms.

It is also necessary to clarify the consequences of political responsibility. In the case of legal liability, the question is simple: the legal consequence is determined by the legal norms, whether they are *ex lege* or by application of the law. Thus, the consequence of legal responsibility is legal consequence. From this it seems logical that the consequence of political responsibility is political consequence. However, this can also take legal form, since the sanction established as a consequence of the political responsibility of the government – which means the termination of the government's mandate – is also declared at the normative level, namely in the Fundamental Law.^[25] Of course, it is also necessary to define what is meant by a legal consequence: a legal consequence is a sanction laid down in a legal norm, irrespective of the place of legal norm in the hierarchy of legal sources. So it is beyond doubt that the Fundamental Law also lays down legal consequences, of which the removal of the President of the Republic is an excellent example.

In the context of the responsibility of the executive power, András Szalai states that political responsibility is not a category that belongs to the domain of law, and therefore there is no need to justify political responsibility. Political responsibility in the government-parliament relationship means that if the majority in parliament does not support the government, the government will fail. In contrast, legal responsibility is based on the violation of specific legislation, which must be proven and justified. There is, however, a link between political and legal responsibility, since the emergence of legal responsibility of the Government or of ministers can justify their political responsibility, i.e., the dismissal of the minister or the replacement of the prime minister.^[26] In my opinion, the above observations also apply to the President of the Republic. We have previ-

[24] Takács, 2018, 154-155.

[25] Ősze, 2022, 300.

[26] Szalai, 2013, 72.

ously indicated that the resignation of the head of state can also be interpreted as a form of political responsibility. Although criminal proceedings against the President of the Republic may be instituted only after the termination of his mandate,^[27] he may also bear other legal responsibility (e.g., copyright liability) in connection with the exercise of his office, which may have political consequences.

In the introduction, I formulated the hypothesis that the political responsibility of the head of state can be derived from functions and powers defined in the Fundamental Law that do not require countersignature, as the is also responsible for these independent decisions. The institution of countersignature is a means of assuming political responsibility, which does not necessarily mean that decisions taken in the exercise of powers which may be exercised without countersignature cannot give rise to the political responsibility of the head of state. The President of the Republic – of course – has legal responsibility, but its establishment shall be limited for as long as he holds office. This contrasts with political responsibility, which in my opinion must be separated from legal responsibility in this case. The political responsibility of the head of state can be justified notwithstanding his inviolability.

As far as the legal responsibility of the President of the Republic is concerned, on the one hand we can talk about the responsibility under public law of the head of state. As we have indicated, the Fundamental Law states that if the President of the Republic intentionally violates the Fundamental Law or, in connection with performing his office, any Act, or if he commits an intentional criminal offence, one fifth of the Members of the National Assembly may propose his removal from office, and the Constitutional Court has power to conduct the impeachment procedure. If, as a result of the procedure, the Constitutional Court establishes the responsibility of the head of state under public law, it may remove him from office.^[28] In the case of the establishment of legal responsibility, the application of sanctions is mandatory, i.e. the misfeasance cannot be left without legal consequences, in which case the Constitutional Court may keep the head of state in office even if his responsibility under public law is clearly proven. This can also be interpreted as a specific form of political responsibility. This responsibility is exercised before the people, who are defined in the constitution as the source of public power.^[29] This can be derived from the question as to whom a state organ, exercising public power, is politically accountable? In theory, there are three possible answers to this question: In the first case, responsibility is established from above, so we can say that someone is politically responsible to the person or institution above them. In the second case, political accountability occurs between equals. Thirdly, there is accountability from below, so those

[27] Fundamental Law, Article 13., Paragraph (1).

[28] Fundamental Law, Article 13., Paragraph (6).

[29] Fundamental Law, Article B), Paragraph (3).

who are inferior in terms of power hold those in power accountable.^[30] Of course, there is no constitutional solution to the impeachment of the President of the Republic by the people. Here, it is worth referring again to Albert Takács, who argues that formulable political responsibility is not always followed by actual accountability. However, as Hans Kelsen has pointed out, the validity of a norm does not depend on the frequency of its application, or in this case, I might add, the possibility of its application.

According to the Constitutional Court, the inviolability of the person of the head of state is primarily part of the constitutional status of the president, which implies the absence of political responsibility and the limited nature of his legal responsibility.^[31] On the contrary, I am convinced that, by reference to the role of the President of the Republic in the organisation of the state, only his limited legal responsibility can be justified, not his lack of political responsibility. After all, anyone who exercises public power is necessarily liable, and the same applies to the head of state. And as long as the limited legal responsibility of the President of the Republic can be justified, his political responsibility is unlimited.

On the other hand, the Constitutional Court also explained that the Constitution also exceptionally empowers the President of the Republic to take a decision which is final and irrevocable, and for which neither the President of the Republic nor any other organ bears political responsibility before the Parliament. This is an independent political decision. The validity of these decisions does not require a countersignature or a prior decision by any other organ, nor is there any possibility of posterior review. According to the constitution, the head of state may take independent political decisions in cases where there is a serious disturbance in the democratic functioning of the state and the intervention of the president is necessary to remedy it. The president takes exceptional measures to break the deadlock in the operations of the state and restore its normal functioning.^[32] It should be added that political responsibility cannot be understood as a form of responsibility before Parliament alone.^[33]

In the context of the exercise of the power to award decorations under the former Constitution, the Constitutional Court held that the guarding of the constitutional values of the Republic of Hungary creates a sufficiently weighty constitutional justification for the head of state to make an independent decision to refuse to sign the decoration-awarding proposal. In its decision on the refusal of the President of the Republic to sign a proposal for a decoration, the Constitutional Court stated that, by refusing to sign a proposal for decoration which is contrary to the constitutional values, the President of the Republic makes a substantive decision for which he bears (political) responsibility and which, in

[30] Földesi, 2000, 115-116.

[31] Decision 48/1991. (IX. 26.) of the Constitutional Court, 1991, 217., 236.

[32] Decision 48/1991. (IX. 26.) of the Constitutional Court, 1991, 217., 233.

[33] See [31].

the absence of a countersignature, cannot be assumed by anyone else.^[34] It can be seen that the Constitutional Court also raises the possibility of the political responsibility of the President of the Republic. In fact, the body used the adjective “political” in brackets, emphasising the importance of this standpoint.

By virtue of his constitutional status, the President of the Republic can only take an independent decision - i.e. a decision for which the members of the Government do not assume political responsibility - in exceptional cases. Under the constitution, the head of state has the right to take independent decisions when the normal functioning of the state is out of balance and the President of the Republic is called upon to play a countervailing role. This may include, for example, the declaration of a state of war or a state of emergency or the dissolution of Parliament if it is prevented from sitting.^[35] Continuing with the example of the special legal order, the eleventh amendment to the Fundamental Law gives the President of the Republic the right to declare a state of war, to declare and extend a state of emergency, and to authorise the Government to extend a state of danger if the National Assembly is prevented from making such decisions. The President of the National Assembly, the President of the Constitutional Court and the Prime Minister shall unanimously declare this to be the case if the National Assembly is not in session and there is an unavoidable impediment to its convening due to the shortness of time or the circumstances giving rise to the proclamation of a special legal order.^[36]

However, more interesting is the question of the legality of the decision of the head of state. As soon as it is no longer prevented from acting, the National Assembly at its first sitting decide, in accordance with the rules applicable for when it is not prevented from acting, whether the decision by the President of the Republic was justified and lawful, and review the extraordinary measures taken during the period of special legal order.^[37] In this case, the head of state may be held responsible. We have already discussed Hungary’s parliamentary form of government, one of the defining features of which is the absence of political responsibility on the part of the President of the Republic. This is why the president has powers which can be exercised with and without a countersignature.^[38] A countersignature expresses the fact that the President of the Republic is not politically responsible for certain decisions.^[39] Decisions of the head of state concerning special legal orders, on the other hand, do not require a ministerial countersignature and are therefore in principle subject to responsibility.^[40] So what happens if one of the decisions taken by the President of the Republic

[34] Decision 47/2007. (VII. 3.) of the Constitutional Court, 2007, 620., 632-633.

[35] Decision 47/2007. (VII. 3.) of the Constitutional Court, 2007, 620., 632.

[36] Fundamental Law, Article 56., Paragraph (1)-(2).

[37] Fundamental Law, Article 56., Paragraph (3).

[38] Fundamental Law, Article 9., Paragraph (3)-(5).

[39] Nábelek – Török, 2015, 187-188.

[40] Fundamental Law, Article 9., Paragraph (3), f) point.

when Parliament is prevented from sitting is unlawful? One possible solution is for Parliament to propose that the head of state be held responsibility under public law. The investigation to this end is conducted from the point of view of legality, but the National Assembly is also motivated by political considerations, since a two-thirds majority of the Members of Parliament is required to decide on this.^[41] Thus, if the Parliament is convinced that the President of the Republic has acted unlawfully, it has the possibility to initiate the impeachment of the President of the Republic.^[42] However, it should be borne in mind that the head of state can only be held accountable in the event that he intentionally violated the law, so it would need to be carefully examined whether the above decisions were taken intentionally by the President of the Republic or whether he simply misjudged the circumstances. Nonetheless, this is a matter for the Constitutional Court to decide.^[43] As we have seen above, political responsibility can be interpreted as a subsidiary form of responsibility in cases where responsibility under public law is not established and legal consequences are not imposed, even though such actions would have been justified.

IV. CONCLUSIONS

The conclusion of my study is that the political responsibility of President of the Republic of Hungary can be established. It has been shown that political responsibility should be interpreted in a broader sense than what is typically found in the literature on parliamentary governmental systems. In my view, the resignation of the President of the Republic in certain cases can be interpreted as a case of political responsibility, which we have deduced from the comparison between political responsibility and legal responsibility. The political responsibility of the President of the Republic can also be established if the Constitutional Court does not remove him from office, even though the conditions for doing so are fulfilled. We have also seen that the question of the possibility of the political responsibility of the President of the Republic has been raised in the practice of the Constitutional Court. Taking all this into account, I am convinced that the President of the Republic is also subject to political responsibility, even though its establishment and application as a (legal) consequence are theoretically and legally dogmatically different from the political responsibility of the government in parliamentary systems.

[41] Fundamental Law, Article 13., Paragraph (3).

[42] Petrétei, 2015, 42-43.

[43] Ősze, 2021, 18.

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Szerényi Gábor grafikája