

**STUDY PLAN AND COURSE DESCRIPTIONS OF  
THE**

**GÉZA MARTON DOCTORAL SCHOOL OF LEGAL  
STUDIES**

**Academic Year 2021/2022**

**Study plan (“standard curriculum”)  
and list of courses<sup>1</sup>**

**Academic year 2019/2020**

**I. Structure of courses**

<b>Course Neptun code</b>	<b>Title of the course</b>	<b>Responsible professor</b>	<b>Semester</b>
JA-PHD-K-12	Methodologies of Legal Researches I.	Tamás Horváth M.	1.
JA-PHD-K-11	Methodologies of Political (Public Sector) Researches I.	Tamás Horváth M.	1.
JA-PHD-K-13	I. Current Issues of Legal Theory  OR	József Szabadfalvi / Mátyás Bencze	1.
JA-PHD-K-14	II. Connection Between Legal Practice and Law Sciences From Ancient Times To Modern Times – Analysis of Historical Legal Cases	Béla Szabó / Judit Balogh	
JA-PHD-K-22	Methodologies of Legal Researches II.	Tamás Horváth M.	2.
JA-PHD-K-21	Methodologies of Political (Public Sector) Researches II.	Tamás Horváth M.	2.
JA-PHD-K-23	III. Public Policies and Financial Law  OR	Tamás Horváth M.	2.
JA-PHD-K-24	IV. Public Administration Theory	István Balázs	
JA-PHD-K-31	V. Legal Aspects of Sustainable Development  OR	László Fodor	3.
JA-PHD-K-32	VI. Constitutional Protection of Human Rights: Theoretical Foundations and Critical Approaches	Gábor Attila Tóth	
JA-PHD-K-33	VII. Harmonization of Private Laws in Europe  OR	Tamás Fézer	3.
JA-PHD-K-34	VIII. Criminal Policy in the First Decades of the New Century	Sándor Madai	
JA-PHD-K-41	IX. New Developments in EU Legal Scholarship  OR	Ildikó Bartha	4.

<sup>1</sup> Applies to all PD students starting their studies in and after the first semester of academic year 2016/17.

JA-PHD-K-45	X. The Actual Questions of the Private International Law	Veronika Szikora	
JA-PHD-K-43	XI. Achievements in the Codification of Civil Procedure With Regard to Foreign Experiences	László Pribula	4.
	OR		
JA-PHD-K-44	XII. The Progress of Criminal Procedure	Balázs Elek	

## II. Credit system in the PhD studies

	Credit unit	Total
<b>EXAMS</b>		
• Core courses (in aggregate 4)	2	8
• Optional courses (in aggregate 6)	2	12
<b>RESEARCH ACTIVITY</b>		
• Submission of progress report	10/semester	70
• Oral research presentation (defence of progress report)	5/semester	35
• Publication; • Conference participation (as presenter with written submission)	presentation: 2-12 conference book: 2-12 publication: 4-20/sheet	min. 75
<b>TEACHING ACTIVITY</b>	0–8 /semester	max. 40
<i>In aggregate:</i>		<b>240</b>

## III. Suggested progression in the doctoral studies (“standard curriculum”)

### I. semester

Activity	Credit
Methodologies of Legal Researches I. (core course)	2
Methodologies of Political (Public Sector) Researches I. (core course)	2
Optional course (I. or II.)	2
Written research report (Progress Report 1.)	10
Oral presentation and defence of results of the research (Research Forum 1.)	5
Teaching activity (1 lesson/week=1 credit)	0-8
Publication (conference presentation, paper publication)	1-9

### II. semester

Activity	Credit
Methodologies of Legal Researches II. (core course)	2
Methodologies of Political (Public Sector) Researches II. (core course)	2
Optional course (III. or IV.)	2
Written research report (Progress Report 2.)	10
Oral presentation and defence of results of the research (Research Forum 2.)	5
Teaching activity (1 lesson/week=1 credit)	0-8
Publication (conference presentation, paper publication)	1-9

**III. semester**

Activity	Credit
Optional course (V. or VI.)	2
Optional course (VII. or VIII.)	2
Written research report (Progress Report 3.)	10
Oral presentation and defence of results of the research (Research Forum 3.)	5
Teaching activity (1 lesson/week=1 credit)	0-8
Publication (conference presentation, paper publication)	3-11

**IV. semester**

Activity	Credit
Optional course (IX. or X.)	2
Optional course (XI. or XII.)	2
Written research report (Progress Report 4.)	10
Oral presentation and defence of results of the research (Research Forum 4.)	5
Teaching activity (1 lesson/week=1 credit)	0-8
Publication (conference presentation, paper publication)	18-26

**V. semester**

Activity	Credit
Written research report (Progress Report 5.)	10
Oral presentation and defence of results of the research (Research Forum 5.)	5
Teaching activity (1 lesson/week=1 credit)	0-8
Publication (conference presentation, paper publication)	7-15

**VI. semester**

Activity	Credit
Written research report (Progress Report 6.)	10
Oral presentation and defence of results of the research (Research Forum 6.)	5
Teaching activity (1 lesson/week=1 credit)	0-8
Publication (conference presentation, paper publication)	7-15

**VII. semester**

Activity	Credit
Written research report (Progress Report 7.)	10
Oral presentation and defence of results of the research (Research Forum 7.)	5
Teaching activity (1 lesson/week=1 credit)	0-8
Publication (conference presentation, paper publication)	7-15

**VIII. semester**

Activity	Credit
Written research report (Progress Report 8.)	10
Oral presentation and defence of results of the research (Research Forum 8.)	5
Teaching activity (1 lesson/week=1 credit)	0-8
Publication (conference presentation, paper publication)	7-15

## COURSE DESCRIPTIONS

## CORE COURSES

### Course Description

<b>Course Title</b>	<b>Methodologies of Legal Researches I.</b>
<b>Neptun Code</b>	JA-PHD-K-12
<b>Type</b>	<u>core</u> / optional
<b>Name and Position of Lecturer</b>	Tamás Horváth M., Professor of Law
<b>Other Lecturers</b>	Mátyás Bencze, Professor of Law Tamás Fézer, Professor of Law Enikő Pergéné, Deputy General Director of the University Library Márton Leó Zaccaria, Senior Lecturer of Law
<b>Which Semester</b>	<u>fall semester</u> / spring semester
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<b>Course Objectives</b> The course aims to assist PhD students in the writing of their future thesis. Classes cover a wide range of topics in order to provide detailed instructions and practical knowledge on the methodology of legal researches, the correct forms of citation and referencing, the concept of comparative researches, and the possibility of involving neighbouring sciences into their projects. By completing the course, students will be capable of using various research methods and understand the purpose and the prospected results of them.	
<b>Topics</b> <ol style="list-style-type: none"><li>1. Information on the Requirements of Thesis</li><li>2. Introduction: How to use the UD UNL catalogue and services? How to categorize information? Basic definitions</li><li>3. Searching for Information : databases, ejournals, ebooks, open access</li><li>4. Research Management and Citation Tools ;</li><li>5. Types of legal researches I.: explanatory, empirical, hermeneutic.</li><li>6. Types of legal researches II.: exploring, logical, instrumental, evaluative.</li><li>7. Problem formation – building a hypothesis.</li><li>8. Levels of research: interpretation and systematization.</li><li>9. Policy – doctrine - principles – rules – cases: levels of comparison..</li><li>10. The place of legal comparison in legal research</li><li>11. How to examine legal transplants</li><li>12. Examining legal transplants: an example</li></ol>	
<b>Requirements for Completion</b> Full-time students are obliged to attend classes and participate actively. Part-time students are also welcomed in classes.	

Students can choose an oral exam based on the required readings of the course, or can submit a proposal on apply a selected method in supplementary way to their research topics. This proposal shall be based on an individual concept and shall be at least 15.000 characters with correct citations (including spaces and footnotes, excluding bibliography).

**Required Readings**

**to topics 5-9**

Van Hoecke, Mark: Methodologies of Legal Research, Hart Publishing, Portland, 2011.

**to topics 10-12**

<http://www.lawandmethod.nl/tijdschrift/lawandmethod/2015/12/RENM-D-14-00001.pdf>

<http://www.pierre-legrand.com/transplants.pdf>

[http://www.alanwatson.org/legal\\_transplants.pdf](http://www.alanwatson.org/legal_transplants.pdf)

**Recommended Readings**

**to topics 1**

Michael Salter-Julie Mason, Writing Law Dissertations: an Introduction and Guide to the Conduct of Legal Research, Longman, Harlow, 2007

**to topics 2-4**

Oshima, A. – Hogue, A. (2007): Introduction to Academic Writing. Longman, London

Oates, L.C. - Enquist, A. (2014): The legal writing handbook: analysis, research, and writing.

Wolters Kluwer Law & Business, New York

**to topics 5-9**

Pineschi, Laura: General Principles of Law – The Role of the Judiciary, Springer, New York, 2015.

Putman, William: Legal Analysis and Writing, Delmar, New York, 2009.

## Course Description

<b>Course Title</b>	<b>Methodologies of Political (Public Sector) Researches I.</b>
<b>Neptun Code</b>	JA-PHD-K-11
<b>Type</b>	<u>core</u> / optional
<b>Name and Position of Lecturer</b>	Tamás Horváth M., Professor of Law
<b>Other Lecturers</b>	Mátyás Bencze, Professor of Law
<b>Which Semester</b>	<u>fall semester</u> / spring semester
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<p><b>Course Objectives</b>            The course focuses on methods of social researches as optional useful supplementary tools to legal investigations. From the wide range of subjects in applied sociology mainly quantitative and qualitative methods are introduced in the course. Students are asked to make experiments in order to link together this view and any specific analysis in their own research topics.</p>	
<p><b>Topics</b></p> <ol style="list-style-type: none"> <li>1. Quantitative methods in general. Application of surveys</li> <li>2. Importance of sample. Methodology of sampling</li> <li>3. Comparison of data. An example</li> <li>4. Longitudinal analysis</li> <li>5. Understanding of results</li> <li>6. Generalization. How and why to supplement a standard methodology of normative law</li> <li>7. Theories of social sciences</li> <li>8. Conceptualization of research</li> <li>9. Research plan</li> <li>10. Qualitative methods</li> <li>11. Structured interviews</li> <li>12. Case studies</li> </ol>	
<p><b>Requirements for Completion</b></p> <p>Full-time students are obliged to attend classes and participate actively. Part-time students are also welcomed in classes. Students can choose an oral exam based on the required readings of the course, or can submit a proposal on apply a selected method in supplementary way to their research topics. This proposal shall be based on an individual concept and shall be at least 15.000 characters with correct citations (including spaces and footnotes, excluding bibliography).</p>	
<p><b>Required Readings</b></p> <p>Babbie, Earl (2001) <i>The Practice of Social Research</i>. Belmont: Thomson Learning</p>	

## Recommended Readings

### to topics 1-6 (Examples on applied methodologies connecting to research designs)

1. GOLD III REPORT, 2014 [UCLG: Basic Services for All in Urbanizing World: Third Global Report on Local Democracy and Decentralization] (2014). New York: Routledge
2. Shah, A. and Shah, S. (2006) The New Vision of Local Governance and the Evolving Roles of Local Governments. In: Shah, A. (ed.) *Local Governance in Developing Countries*. Washington D. C.: The World Bank, pp. 1–46.
3. Swianiewicz, P. (2002) Is There a Third Road Between Small yet Ineffective and Big yet Less Democratic? Comparative Conclusions and Lessons Learned. In: Swianiewicz, P. (ed.) *Consolidation and Fragmentation?* Budapest: OSI/LGI.
4. Wollmann, H., Kopric, I. and G. Marcou (eds.) (2016) *Public and Social Services in Europe: From Public and Municipal to Private Sector Provision*. Basingstoke: Palgrave Macmillan

### to topics 7-12 (Literature to design of researches and qualitative methods)

1. John W. Creswell: *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. Sage Publications, 2003.
2. Gary Goertz & James Mahoney: *Qualitative and Quantitative Research in the Social Sciences*. Princeton University Press, 2012.
3. Robert K. Yin: *Case Study Research: Design and Methods: (Applied Social Research Methods, Volume 5)*. Sage Publications, 2003.
4. Salter, Martin – Mason, Julia: *Writing law dissertations: an introduction and guide to the conduct of legal research*. New York: Pearsosn, 2007.
5. Taylor, S. – Robert B.: *Introduction to Qualitative Research Methods*, John Wiley & Sons, New York, Chicester, Weiheim, Brisbane, 1998

## Course Description

<b>Course Title</b>	<b>Methodologies of Legal Researches II.</b>
<b>Neptun Code</b>	JA-PHD-K-22
<b>Type</b>	<u>core</u> / optional
<b>Name and Position of Lecturer</b>	Tamás Horváth M., Professor of Law
<b>Other Lecturers</b>	Tamás Fézer, Professor of Law Zsolt Hajnal, Associate Professor of Law László Pribula, Professor of Law
<b>Which Semester</b>	fall semester / <u>spring semester</u>
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<p><b>Course Objectives</b> The primary purpose of the course is to assist Ph.D students in the writing of their future dissertation by providing techniques and methods on the analysis and systematization of cases. Classes are formed around the concept of case analysis with the intent to identify patterns and principles through case law even in civil law legal systems. By completing the course, students will be able to apply various methods of case analysis and understand the purpose and the prospected results of them.</p>	
<p><b>Topics</b></p> <ol style="list-style-type: none"> <li>1. Opportunities and boundaries of judicial interpretation in civil law legal systems: cases related to contracts.</li> <li>2. Policy formation through cases: tort cases in civil law systems.</li> <li>3. Forming doctrines in common law legal systems: contracts and torts.</li> <li>4. International law before national courts.</li> <li>5. International judicial law-making.</li> <li>6. International constitutional legal order? The case-law of the ECtHR.</li> <li>7. Preliminary ruling of the ECJ.</li> <li>8. Argument and reasoning before the ECJ.</li> <li>9. Decisions and their reasoning – ECJ case-law.</li> <li>10. How to analyse cases related to international business law.</li> <li>11. WTO DSU processes and cases – business or politics?</li> <li>12. Cases of foreign investments.</li> </ol>	
<p><b>Requirements for Completion</b></p> <p>Full-time students are obliged to attend classes and participate actively. Part-time students are also welcomed in classes. Students shall submit a paper formed around a series of cases in tight connection to their research topics. The paper should reflect some evolution of case-law (e.g. policy forming, doctrine formation, re-interpretation of principles etc.) in the field of the research. Paper shall contain individual ideas and the application of the methods on case-analysis.</p>	

The required length of the paper is min. 20,000 characters (including footnotes, spaces, excluding bibliography) with correct citations.

### **Required Readings**

#### **to topics 1-3**

1. Levasseur, Alain A.: *Comparative Law of Contracts: Cases and Materials*. Carolina Academic Press, 2008, 208 p.
2. Bussani, Mauro – Sebok, Anthony: *Comparative Tort Law: Global Perspectives*. Edward Elgar Publishing, 2015, 520 p.

#### **to topics 4-6**

1. Roberts, Anthea: *Comparative International Law? The Role of National Courts in Creating and Enforcing International Law*. *International and Comparative Law Quarterly*, Vol. 60., January 2011, pp. 57-92.
2. Ginsburg, Tom: *International Judicial Lawmaking*. University of Illinois Law & Economics Research Paper No. LE05-006, 58 p.
3. Ulfstein, Geir: *The European Court of Human Rights as a Constitutional Court?* *Pluricourts Research Paper No. 14-08*, 2014, 8 p.

#### **to topics 7-9**

1. Craig, Paul – de Búrca, Gráinne: *EU Law: Text, Cases, and Materials*, Chapter 13<sup>th</sup>, Oxford University Press, 2015.
2. Adams, Maurice – de Waele, Henri – Meeusen, Johan – Straetmans, Gert: *Judging Europe's Judges: The Legitimacy of the Law of the European Court of Justice*, Hart Publishing, 2015.

#### **to topics 10-12**

1. Mavroidis, Petros – Bermann, George – Wu, Mark: *The Law of the World Trade Organization (WTO): Documents, Cases & Analysis*, West, 2010.
2. Cameron, George: *International Business Law: Cases and Materials*, Van Rye Publishing, 2015.

### **Recommended Readings**

1. Klimas, Tadas: *Comparative Contract Law: A Transsystemic Approach With an Emphasis on the Continental Law*, Carolina Academic Press, 2006, 668 p.
2. Ibbetson, David – Bell, John (eds.): *Comparative Studies in the Development of the Law of Torts in Europe*. Cambridge University Press, 2010. 1584 p.
3. David Hajlan: *Separating Powers? International Law before National Courts*. T.M.C. Asser, 2013, 326 p.
4. Armin von Bogdandy, Ingo Venzke (eds.): *International Judicial Lawmaking. Legitimation in Global Governance*. Springer, 2012, 514 p.
5. Szemesi Sándor: *Repetitive Cases before the Strasbourg Court. The Pilot Judgment Procedure at the European Court of Human Rights*. *Hungarian Yearbook of European and International Law 2015*, Eleven Publishing, the Hague, 2015, pp. 243-258.

## Course Description

<b>Course Title</b>	<b>Methodologies of Political (Public Law) Researches II.</b>
<b>Neptun Code</b>	JA-PHD-K-21
<b>Type</b>	<u>core</u> / optional
<b>Name and Position of Lecturer</b>	Tamás Horváth M., Professor of Law
<b>Other Lecturers</b>	Ildikó Bartha, Associate Professor of Law Flóra Kisné Fazekas, Senior Lecturer of Law
<b>Which Semester</b>	fall semester / <u>spring semester</u>
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<p><b>Course Objectives</b></p> <p>The overall aim of the course is to introduce PHD students to different approaches and comparative methods used in political science and public law research. Based on a value-oriented perspective, the first (six) classes cover the most important dimensions of human rights protection, including the place of individual liberties and the evolution of fundamental concepts in different legal and political cultures, the regulation of human rights in domestic constitutions and international law regimes, as well as the role of the judiciary in advancing these rights. In the second half of the course, economic and political rationality for and against regional economic integrations will be considered, from the perspective of states and other public policy actors. With respect to specific policies (such as foreign investment) our discussions aim to highlight recent challenges and contradictions associated with regional economic integrations in Europe and in other regions of the world, focusing on common points and divergences in the ongoing processes. By completing the course, students will better able to apply methods of comparative analysis and various approaches in political research.</p>	
<p><b>Topics</b></p> <ol style="list-style-type: none"> <li>1. Introduction: constitutions and human rights (evolution, functions, limitations and comparative perspectives)</li> <li>2. Institutions to protect human rights (international, European and national bodies)</li> <li>3. Cases on the right to life and human dignity (capital punishment, torture and inhuman treatment, life imprisonment, abortion, euthanasia)</li> <li>4. Cases on discrimination, protection of vulnerable groups (minorities, women, children, LGBTI people)</li> <li>5. Cases on the freedom of religion (European and global issues)</li> <li>6. Current issues: human rights and anti-terrorism; human rights of migrants and refugees</li> <li>7. Theory of regional economic integration: an overview (fundamental concepts and theories; degrees of regional economic integrations)</li> <li>8. Nationalism, regionalism and global challenges. Regional integration motives and factors shaping integration process. (Discussion topic: the global financial crisis and its impact on the EU and other economic organizations in the world.)</li> <li>9. Regional economic integrations and governance: Institutions and stakeholders of policy-making, decision-making and enforcement</li> <li>10. Relationship between regional economic integrations and global social contracts.</li> </ol>	

11. Regional economic integrations, liberalization and market regulation. Recent challenges of international trade in goods and services.
12. Regional economic integrations and foreign direct investments. European and global trends.

### **Requirements for Completion**

Full-time students are obliged to attend classes and participate actively. Part-time students are also welcomed in classes. Students can choose an oral exam based on the required readings of the course, or can submit a proposal on apply selected approach(es)/method(s) of political research learned in the course to their research topics. Alternatively, they can also submit an essay discussing one of the course topics in the context their doctoral research. This proposal/essay shall be based on an individual concept and shall be at least 15.000 characters with correct citations (including spaces and footnotes, excluding bibliography).

### **Required Readings**

#### **to topics 1-6**

1. Szemesi, S.: *Introduction to the case-law of the European Court of Human Rights*. Lícium ART, Debrecen, 2015, Chapter I-II. (The European Court of Human Rights; The right to life) p. 6-15.
2. Szemesi, S.: *Introduction to the case-law of the European Court of Human Rights*. Lícium ART, Debrecen, 2015, Chapter XII. (The prohibition of discrimination) p. 85-90.
3. *Case of Cyprus v. Turkey*, no. 25781/94, 10 May 2001 (ECtHR)
4. *Case of Leyla Şahin v. Turkey*, no. 44774/98, 10 Nov. 2005 (ECtHR)
5. *Case of Zihni v. Turkey*, no. 59061/16, 29 Nov. 2016 (ECtHR)
6. *Case of Ilias and Ahmed v. Hungary*, no. 47287/15, 14 March 2017 (ECtHR)

#### **to topics 7-8**

Chin Leng Lim: Regional Trade Agreements and the Poverty Agenda. In: John Linarelli (ed.): *Research Handbook on Global Justice and International Economic Law*. Edward Elgar, 2013, pp. 96-120

#### **to topics 9-10**

Baogang He and Hannah Murphy: Global Social Justice at the WTO? The Role of NGOs in Constructing Global Social Contracts. In: John Linarelli (ed.): *Research Handbook on Global Justice and International Economic Law*. Edward Elgar, 2013 pp. 222-250.

#### **to topics 11-12**

Marc D. Froese: Regional Trade Agreements and the Paradox of Dispute Settlement. *Manchester Journal of International Economic Law* (2014) Vol. 11, Issue 3: pp. 367-396

## Optional courses

### Course Description (I.)

<b>Course Title</b>	<b>Current Issues of Legal Theory</b>
<b>Neptun Code</b>	JA-PHD-K-13
<b>Type</b>	core / <u>optional</u>
<b>Name and Position of Lecturer</b>	Mátyás Bencze, Professor of Law József Szabadfalvi, Professor of Law
<b>Other Lecturers</b>	Krisztina Ficsor, Senior Lecturer of Law
<b>Which Semester</b>	<u>fall semester</u> – spring semester
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<b>Course Objectives</b> Any kinds of practical and doctrinal legal issues have their root in the ground of legal theory. The aim of this course is to make the connection between these two fields of legal knowledge clear, because exploring the theoretical background of the examined legal problem is an essential part of any PhD theses. During the classes we present some contemporary examples of the use of legal theory in understanding and explaining various legal phenomena.	
<b>Topics</b> 1. Comparative constitutional reasoning: style and structure 2. The theory of political decision making 3. Contemporary conceptions of the Rule of Law 5. The theoretical background of judicial reasoning: normative perspective 6. The relevance of formalism as a normative theory of judicial reasoning in legal practice 7. Anti-formalist theories of legal reasoning 8. The theoretical basis of judicial reasoning in criminal law: the problem of the clarity of norms 9. Empirical analysis of the judicial practice (rational choice theories) 10. Empirical analysis of the judicial practice (behavioural perspective) 11. Feminism in legal theory 12. Feminism and criminal law	
<b>Requirements for Completion:</b>  Full-time students are obliged to attend classes and participate actively, part-time students are also welcomed in classes. Students can choose an oral exam based on the required readings of the course, or can submit a paper on a selected topic approved by the lecturer, related to the course. Paper shall be based on individual research and shall be at least 40.000 characters with correct citations (including spaces and footnotes, excluding bibliography).	

**Required Readings:**

1. Cass R. Sunstein, "Feminism and Legal Theory", *Harvard Law Review*, Vol. 101, No. 4 (Feb., 1988), pp. 826-848
2. Guthrie, Chris – Rachlinski, Jeffrey J. – Wistrich, Andrew J., "Inside the Judicial Mind" (2001). *Cornell Law Faculty Publications*. Paper 814.
3. Stephen J. Schulhofer, "The Feminist Challenge In Criminal Law" *University of Pennsylvania Law Review*, (143) 1995, 2151-2207.
4. Weinshall-Margel, K., "Attitudinal and Neo-Institutional Models of Supreme Court Decision Making: An Empirical and Comparative Perspective from Israel" *Journal of Empirical Legal Studies*, (2011) 8, 556-586.
5. Schauer, Frederick, "Formalism" *Yale Law Journal*, 1987-1988/4.

**Recommended Readings:**

1. Catharine A. MacKinnon, *Feminism Unmodified: Discourses on Life and Law*, Harvard University Press, 1987.
2. Eyal Zamir – Doron Teichman (eds.), *The Oxford Handbook of Behavioral Economics and the Law*, OUP, 2014.
3. Sue Bessmer, *The laws of rape*. Praeger, New York [etc.], 1984.
4. János Kis, *Constitutional Democracy*, Budapest-New York, Central European University Press, 2003.
5. Jeremy Waldron, Principles of Legislation, in *The Least Examined Branch. The Role of Legislatures in the Constitutional State*, eds. Richard W. Bauman – Tsvi Kahana, Cambridge, Cambridge University Press, 2006, 15-32.
6. Ronald Dworkin, *Justice for Hedgehogs*. Cambridge, London: The Belknap Press of Harvard University Press. 2011.
7. William Lucy, *Understanding and Explaining Adjudication*. Oxford: Oxford University Press. 2004.

## Course Description (II.)

<b>Course Title</b>	<b>Connection Between Legal Practice and Law Sciences From Ancient Times To Modern Times – Analysis of Historical Legal Cases</b>
<b>Neptun Code</b>	JA-PHD-K-14
<b>Type</b>	core / <u>optional</u>
<b>Name and Position of Lecturer</b>	Béla Szabó, Professor of Law
<b>Other Lecturers</b>	Judit Balogh, Associate Professor of Law
<b>Which Semester</b>	<u>fall semester</u> / spring semester
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<b>Course Objectives</b>	
<p>The aim of the lectures is to introduce the diversity that is performed by the European legal development in legal authorities, legal sources, legal thinking and argument, in resolutions of material and legal procedures. Certain cases mainly focus on interaction between jurisprudence and legal practice by describing the specialities of certain periods or legal field. Individual cases are interpreted by nearly similar method: historical environment/background, interpretation of the features/criteria of legal life and jurisprudence; analysis of the translated sources, reconstructions of conclusion of fact, analysing the legal problem, examination of the arguments of the parties and the legal academic, drafting possible conclusions. Cases give samples of questions of civil, criminal law, as well as public law. Some cases have canon law aspects, too.</p>	
<b>Topics</b>	
<ol style="list-style-type: none"> <li>1. <i>Causa Curiana</i> – Legal dispute of inheritance from the 1<sup>st</sup> century B. C.</li> <li>2. Case of pigs stolen by the wolves – Classic example of Ulpianus from circle of acquisition of ownership</li> <li>3. Gift or loan – Debate between Julianus and Ulpianus about <i>causa</i> of contract</li> <li>4. Legal dispute between father and daughter – Insight into the legal life of Roman Egypt</li> <li>5. King Lothar gets rid of his wife – Marriage law of Catholic Church</li> <li>6. The early died wife – Lawsuit of Florence about delivering dowry, contemporary legal expertise</li> <li>7. Oblivious intercessor – Obstacles of oral procedure in the late Middle Ages</li> <li>8. Legal authority above the Indians – Variegation of legal sources in early Modern Times</li> <li>9. And there are witches – Specialities of witchcraft trials</li> <li>10. The case of Arnold, the Miller – Judicial independence in Prussia in the 18<sup>th</sup> century</li> <li>11. The right to inheritance of child born out of wedlock – Equal opportunities in the 19<sup>th</sup> century</li> <li>12. Charge for blood in Tiszaeszlár – The most famous Hungarian criminal case of the 19<sup>th</sup> century</li> </ol>	
<b>Requirements for Completion</b>	
<p>To visit the lectures on the subject is compulsory for full-time students and recommended for correspondent students. The students of the course can choose from two types of examination:</p> <ul style="list-style-type: none"> <li>- Students planning to examine also the historical relevancies of their research theme in their thesis have to complete a historical paper, too, agreed by the responsible lecturer</li> </ul>	

as long as one author's sheet (40 000 n with spaces and footnotes), which will be inserted into their later PhD thesis partly or totally. Within the framework of the course the papers will be discussed and validated in merit. (It is especially recommended for correspondent students.)

- Those students who write their thesis without historical relevancies or those who plan to explicit them later can take oral exam on the compulsory material (discussed during the lessons) of the course.

#### **Required Readings**

1. Stein, Peter: *A római jog Európa történetében*, Osiris, Budapest, 2005.
2. Ruzsoly József: *Európai jog- és alkotmánytörténelem*, Pólay Elemér Alapítvány, Szeged, 2011, 44-106.
3. Szabó Béla: *Ius commune hajdan és majdan* = Jogbölcséleti előadások, szerk. Szabó Miklós, Bíbor kiadó. Miskolc, 1998. 285-309.

#### **Recommended Readings**

1. Zimmermann, Reinhard: *Roman Law, Contemporary Law, European Law: The Civilian Tradition Today*, Oxford University Press, 2001.
2. Stein, Peter: *Roman Law in European History*, Cambridge University Press, 1999.
3. Pokol Béla: *Középkori és újkori jogtudomány*, Dialóg Campus, Budapest-Pécs, 2008.
4. *Fälle aus der Rechtsgeschichte*, hrsg. Ulrich Falk, Michele Luminati, Matthias Schmoeckel, Verlag C.H. Beck, München, 2008.
5. - Schröder, Jan: *Recht als Wissenschaft: Geschichte der juristischen Methodenlehre in der Neuzeit (1500-1933)*, Verlag C.H. Beck, München, 2012<sup>2</sup>.

### Course Description (III.)

<b>Course Title</b>	<b>Public Policies and Financial Law</b>
<b>Neptun Code</b>	JA-PHD-K-23
<b>Type</b>	core / <u>optional</u>
<b>Name and Position of Lecturer</b>	Tamás Horváth M., Professor of Law
<b>Other Lecturers</b>	-
<b>Which Semester</b>	fall semester / <u>spring semester</u>
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<p><b>Course Objectives</b></p> <p>The course focuses on changes of different practices of public service management in Europe and the Third World. The selected topics and methodologies support students to involve quantitative data to their (legal or political) researches in a supplementary way.</p>	
<p><b>Topics</b></p> <ol style="list-style-type: none"> <li>1. Market failures, government failures</li> <li>2. Fiscal federalism, intergovernmental fiscal relations</li> <li>3. Local government finance (comparative)</li> <li>4. Comparison of two models of local government finances</li> <li>5. Public functions and general government expenditure</li> <li>6. Expenditures of the European Union</li> <li>7. Liberalization and regulation</li> <li>8. Changes in liberalization policies</li> <li>9. Public finances, policies and public management</li> <li>10. Changes and effects in public service delivery</li> </ol>	
<p><b>Requirements for Completion</b></p> <p>Full-time students are obliged to attend classes and participate actively, part-time students are also welcomed in classes. Students can choose an oral exam based on the required readings of the course, or can submit a paper on a selected topic approved by the lecturer, related to the course and their research topics. Paper shall be based on individual research and shall be at least 40.000 characters with correct citations (including spaces and footnotes, excluding bibliography).</p>	
<p><b>Required Readings</b></p> <ol style="list-style-type: none"> <li>1. Wollmann, H., Kopric, I. and G. Marcou (eds.) (2016) <i>Public and Social Services in Europe: From Public and Municipal to Private Sector Provision</i>. Basingstoke: Palgrave Macmillan</li> <li>2. GOLD III REPORT, 2014 [UCLG: Basic Services for All in Urbanizing World: Third Global Report on Local Democracy and Decentralization]. New York: Routledge</li> <li>3. Wollmann, H. and G. Marcou (eds.) (2010) <i>The Provision of Public Services in Europe: Between State, Local Government and Market</i>. Cheltenham: Edward Elgar</li> </ol>	

4. Alves, R. H. and Alfonso, O. (2008) Fiscal Federalism in the European Union: How Far Are We? In: Ferreiro, J., Fontana, G. and Serrano, F. (eds.) *Fiscal Policy in the European Union*. Houndmills: Palgrave
5. Musgrave, R. A.–Musgrave, P. B. (1989) *Public Finance in Theory and Practice*. New York: McGRAW-HILL

**Recommended Readings**

1. Howlett, Michael (2011) *Designing Public Policies: Principles and Instruments*. Abingdon: Routledge.
2. Ferreiro, J., Fontana, G. and Serrano, F. (eds.) (2008) *Fiscal Policy in the European Union*. Houndmills: Palgrave
3. Nemeč, J. and Wright, G. (1997) *Public Finance: Theory and Practice in Central European Transition*. Bratislava: NISPAcee
4. Shah, A. (1994) *The Reform of Intergovernmental Fiscal Relations in Developing and Emerging Market Economies*. Washington D.C.: World Bank

## Course Description (IV.)

<b>Course Title</b>	<b>Public Administration Theory</b>
<b>Neptun Code</b>	JA-PHD-K-24
<b>Type</b>	core / <u>optional</u>
<b>Name and Position of Lecturer</b>	István Balázs, Professor of Law
<b>Other Lecturers</b>	Zsuzsanna Árva, Professor of Law
<b>Which Semester</b>	fall semester / <u>spring semester</u>
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<p><b>Course Objectives</b></p> <p>The aim of the course is to expand the knowledge gained in undergraduate courses on administrative law by providing an overview of the theoretical background as well as a discussion of the various scientific schools. First, theoretical issues of public administration and administrative law are considered, and then outstanding international and Hungarian theories in the discipline of public administration are presented. After that, students get an insight into the institutional system of public administration research. The aim is to develop and improve competences required for the scientific research of public administration in order to enable students to do high-level research in this field.</p>	
<p><b>Topics</b></p> <ol style="list-style-type: none"> <li>1. Definition and Subject of Public Administration Theory</li> <li>2. Structural and Operational Principles of Public Administration</li> <li>3. Functions of Public Administration</li> <li>4. Governance and Public Administration</li> <li>5. Direct and Indirect Public Administration</li> <li>6. Means of Public Administration</li> <li>7. Characteristics of the Development of Administrative Law. Controversial Issues of European Administrative Law</li> <li>8. New Trends in Public Service Systems</li> <li>9. Discipline of Public Administration and its Schools</li> <li>10. Hungarian Theories of Public Administration</li> <li>11. Institutional System of Public Administration Research</li> </ol>	
<p><b>Requirements for Completion</b></p> <p>Full-time students are obliged to attend classes and participate actively, part-time students are also welcomed in classes. Students can choose an oral exam based on the required readings of the course, or can submit a paper on a selected topic approved by the lecturer, related to the course. Paper shall be based on individual research and shall be at least 40.000 characters with correct citations (including spaces and footnotes, excluding bibliography).</p>	

### Required Readings

1. István Balázs (ed.): *Közigazgatás-elmélet*. Debrecen: Debreceni Egyetemi Kiadó, 2012.
2. Gyula Koi: *A közigazgatás-tudományi nézetek fejlődése*. Budapest: Nemzeti Köszolgálati és Tankönyvkiadó, 2014.
3. Balázs Gerencsér – Csilla Berkes – András Varga Zs. (eds.): *A hazai és az uniós közigazgatási eljárási jog aktuális kérdései*. Budapest: Pázmány Press, 2015.
4. András Tamás: *A közigazgatási jog elmélete*. Budapest: Szent István Társulat, 2010.
5. Lajos Lőrincz: *Közigazgatás-tudományi antológia*. Budapest: HVG-ORAC, 2007.
6. András Patyi – Ádám Rixer – Gyula Koi (eds.): *Hungarian Public Administration and Administrative Law*. Passau: Schenk Verlag GmbH, 2014.

### Recommended Readings

1. Auby, Jean Bernard – Dutheil de la Rochère, Jacqueline – Chevalier, Emilie (eds.): *Traité de droit administratif européen*. Bruylant, 2014.
2. Lőrincz, Lajos (ed.): *A magyar közigazgatás-tudomány klasszikusai 1874-1947*. Budapest: KJK Kerszöv, 1988.
3. Katalin Szamel – István Balázs – György Gajduschek – Gyula Koi (eds.): *Az Európai Unió tagállamainak közigazgatása*. Budapest: Complex, 2011.
4. Lajos Lőrincz: *A közigazgatás alapintézményei*. Budapest: HVG-ORAC, 2010.

## Course Description (V.)

<b>Course Title</b>	<b>Legal Aspects of Sustainable Development</b>
<b>Neptun Code</b>	JA-PHD-K-31
<b>Type</b>	core / <u>optional</u>
<b>Name and Position of Lecturer</b>	László Fodor, Professor of Law
<b>Other Lecturers</b>	Orsolya Bányai, Senior Lecturer of Law
<b>Which Semester</b>	<u>fall semester</u> / spring semester
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<p><b>Course Objectives</b></p> <p>Our world is facing unique economic, environmental and social challenges of a scale not seen before. Promoting sustainable development has become a pressing priority, which is also reinforced by international, European and Hungarian law. This course will give an overview and equip students with a broad understanding of the complex topic of sustainable development and law. This knowledge serves useful background to understand various issues of legal regulation.</p>	
<p><b>Topics</b></p> <ol style="list-style-type: none"> <li>1. Introduction and review of the requirements for completion.</li> <li>2. Watching the movie 'Home' by Yann Atrhus-Bertrand. Discussing views and opinions.</li> <li>3. Introduction of the sustainable development principle I.</li> <li>4. Introduction of the sustainable development principle II.</li> <li>5. Different interpretations of sustainable development I.</li> <li>6. Different interpretations of sustainable development II.</li> <li>7. International law and sustainable development.</li> <li>8. The principles of sustainable development I.</li> <li>9. The principles of sustainable development II.: the precautionary principle, environmental impact assessment, public participation in decision-making.</li> <li>10. European Union and the sustainable development I.</li> <li>11. European Union and the sustainable development II.</li> <li>12. Evaluation and summary of the semester.</li> </ol>	
<p><b>Requirements for Completion</b></p> <p>Full-time students are obliged to attend classes and participate actively, part-time students are also welcomed in classes. Students are obliged also to submit a paper on a selected topic approved by the lecturer, related to the course. Paper shall be based on individual research and shall be at least 25-40.000 characters with correct citations (including spaces and footnotes, excluding bibliography).</p>	

### Required Readings

1. Aviles, L. Sustainable Development and the Legal Protection of the Environment in Europe. *Sustainable Development Law and Policy*, 2012/12. Sustainable Development Law & Policy.
2. Baker et. al. *The politics of sustainable development. Theory, policy and practice within the European Union*. London, Routledge, 1997.
3. Marong, A. B. M. From Rio to Johannesburg: Reflections on the Role of International Legal Norms in Sustainable Development. *Georgetown International Environmental Law Review* 2003/16.
4. Morgera, E. *Introduction to European Environmental Law from an International Environmental Law Perspective*. University of Edinburg School of Law. Working papers, 2010/37.
5. Sands, Philippe et al.: *Principles of international environmental law*. Cambridge University Press, Cambridge, 2013.

### Recommended Readings

1. Bosselmann, K. et al.(eds.). Governance for sustainability. Issues, Challenges, Successes. IUCN Environmental Policy and Law Paper, No. 70. 2008. [http://cmsdata.iucn.org/downloads/eplp\\_70\\_governance\\_for\\_sustainability.pdf](http://cmsdata.iucn.org/downloads/eplp_70_governance_for_sustainability.pdf)
2. Bosselmann, K. *The principle of sustainability – Transforming law and governance*. Ashgate Publishing Company, Aldershot, 2008.
3. Boyd, David Richard: *The environmental rights revolution: a global study of constitutions, human rights, and the environment*, UBC Press, Vancouver, 2012.
4. Decleris, M. *The Law of Sustainable Development*, Report for the European Commission. 2000. 47. <http://www.woodlandleague.org/documents/sustainability/sustlaw.pdf>
5. Ellis, Y. Overexploitation of a Valuable Resource? New Literature on the Precautionary Principle. *The European Journal of International Law* Vol. 17 no.2. 445-462.
6. Ellis, Y. *Sustainable development as a legal principle: a rethorical analysis*. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1319360](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1319360)
7. Fitzmaurice, M. *Contemporary issues in international environmental law*. Edward Elgar Publishing, Cheltenham, 2009.
8. Horváth, Zs. Principles of integration and precaution in the Case Law of the European Courts. 59-83. In: Bándi, Gy. (ed.) *The impact of ECJ jurisprudence on environmental law*. Budapest, Szent István Társulat, 2009.
9. International Law Association. New-Delhi Conference (2002). *Legal aspects of sustainable development*. Final Report.
10. Krämer, Ludwig: *EC environmental law*. Sweet & Maxwell, London, 2003.
11. Kubasek, Nancy: *Environmental law*. Pearson, Boston, 2014.
12. Mauerhofer, Volker (ed.): *Legal Aspects of Sustainable Development. Horizontal and Sectorial Policy Issues*. Springer, 1st ed., 2016.
13. Pallemarts, M. - Azmanova, A. (eds.) *The European Union and Sustainable Development. Internal and external dimensions*. VUBPRESS, Brussels, 2006.
14. Ross, A. Modern Interpretations of Sustainable Development. *Journal of Law and Society*, 2009/1.
15. Sands, P. International Courts and the Application of the Concept of Sustainable Development. In: Planck, M. UNYB, 1999.
16. Segger, M.C. - Khalfan, A. *Sustainable Development Law: Principles, Practices and Prospects*. Oxford, Oxford University Press, 2004.

## Course Description (VI.)

<b>Course Title</b>	<b>Constitutional Protection of Human Rights: Theoretical Foundations and Critical Approaches</b>
<b>Neptun Code</b>	JA-PHD-K-32
<b>Type</b>	core / <u>optional</u>
<b>Name and Position of Lecturer</b>	Gábor Tóth Attila, Associate Professor of Law
<b>Other Lecturers</b>	Flóra Kisné Fazekas, Senior Lecturer of Law
<b>Which Semester</b>	<u>fall semester</u> / spring semester
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<p><b>Course Objectives:</b> the course gives an overall assessment of different ideas and critical approaches of human rights as protected in constitutions. In its first part, the course develops the origins of the western human rights tradition, i.e. the theories of <i>natural rights</i> and the <i>social contract</i>, the American and French declarations of rights and their justification, the universal protection of rights based upon the notion of <i>human dignity</i>, and the <i>consequential</i> approach of liberty. The second part of the course examines the alternative western conceptions, e.g. <i>utilitarian</i> critique, and <i>socialism</i>. The third part is about the contemporary justifications of human rights, and the post Second World War international and European protection of human rights. Finally, the course examines the contemporary challenges and critiques of universal human rights, e.g. <i>cultural relativism</i>, <i>communitarianism</i>, and <i>critical legal studies</i>.</p>	
<p><b>Topics:</b></p> <ol style="list-style-type: none"> <li>1. Introduction (<i>Louis Henkin: The Age of Rights</i>)</li> <li>2. The Human Rights Tradition (<i>John Locke: The Second Treatise of Civil Government</i>, <i>William Blackstone: Commentaries on the Laws of England</i>, <i>Thomas Paine: The Rights of Man</i>, <i>Immanuel Kant: Foundations of Metaphysics of Morals</i>, <i>John Stuart Mill: On Liberty</i>, Magna Carta (1215), The American Declaration of Independence (1776), The Declaration of the Rights of Man and of the Citizen (1789), The Bill of Rights (1791))</li> <li>3. Alternative Conceptions of the Good Society (<i>Jean-Jacques Rousseau: On the Social Contract</i>, <i>Edmund Burke: Reflections on the Revolution in France</i>, <i>Jeremy Bentham: Anarchical Fallacies</i>, <i>Karl Marx: On the Jewish Question</i>)</li> <li>4. Contemporary Justifications (<i>John Rawls: Political Liberalism</i>, <i>Ronald Dworkin: Taking Rights Seriously</i>, Universal Declaration of Human Rights (1948), European Convention on Human Rights (1950), EU Charter of Fundamental Rights (2000, 2009))</li> <li>5. Contemporary Challenges and Critiques (<i>Michael Sandel: Morality and Liberal Ideal</i>, <i>Mark Tushnet: An Essay on Rights</i>, <i>Amartya Sen: Human Rights and Asian Values</i>)</li> </ol>	
<p><b>Requirements for Completion:</b></p> <ul style="list-style-type: none"> <li>- Course attendance (max. 2 absences) (only full time students)</li> <li>- Reading all of the course materials beforehand (only full time students)</li> <li>- Coming prepared to participate in discussions (only full time students)</li> </ul>	

- Verbal presentation of a case study + an essay (3-5000 words)

**Required Readings:**

1. *Louis Henkin – Gerald F. Neuman – Diane F. Orentlicher – David W. Leebron*, Human Rights. New York: Foundation Press, 1999, First Edition or 2009, Second Edition.
2. *Micheline R. Ishay* (ed.), The Human Rights Reader, Major Political Essays, Speeches, and Documents From the Bible to the Presents. New York: Routledge, 2007 (Second edition).
3. *Ronald Dworkin*, Justice for Hedgehogs. Cambridge, Mass., London: The Belknap Press of Harvard University Press, 2011.
4. *Jeremy Waldron* (ed.), Nonsense upon Stilts, Bentham, Burke and Marx on the Rights of Man. London and New York: Methuen, 1987.
5. *Rainer Forst*, The Right to Justification: Elements of a Constructivist Theory of Justice. New York: Columbia University Press, 2012, trans. Jeffrey Flynn.

**Recommended Readings:**

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## Course Description (VII.)

<b>Course Title</b>	<b>Harmonization of Private Laws in Europe</b>
<b>Neptun Code</b>	JA-PHD-K-33
<b>Type</b>	core / <u>optional</u>
<b>Name and Position of Lecturer</b>	Tamás Fézer, Professor of Law
<b>Other Lecturers</b>	Zsolt Hajnal, Associate Professor of Law
<b>Which Semester</b>	<u>fall semester</u> / spring semester
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<p><b>Course Objectives</b></p> <p>The course covers the result and new directions of the harmonization of private law issues in the European Union. The course aims to analyze the various models of private law institutions in both civil law and common law legal systems in Europe. Identifying the common cores, the grounds of future harmonization, the challenges of the international legal and economic environment all form important aims of the course. Through its comparative and international perspective, the course may strengthen the comparative analytical skills of the students.</p>	
<p><b>Topics</b></p> <ol style="list-style-type: none"> <li>1. The modern development of private law institutions in Europe.</li> <li>2. The economic analysis of contracts.</li> <li>3. Contract formation in civil law and common law jurisdictions.</li> <li>4. Contractual breach and remedies in Europe.</li> <li>5. CISG and CELS: conflicts and potential resolutions.</li> <li>6. The consumer perspective in the harmonization of contract laws in Europe.</li> <li>7. Harmonization of tort law in the EU: patchy directives.</li> <li>8. Grounds for tortious liability: the ever-changing 'duty of care' principle.</li> <li>9. Company law elements in the harmonization process I.: the directives.</li> <li>10. Company law elements in the harmonization process I.: supranational forms.</li> <li>11. The law harmonization methods of the EU and other economical integrations.</li> <li>12. The harmonization of the consumer acquis of the EU.</li> <li>13. Law unification on the field of international private law.</li> </ol>	
<p><b>Requirements for Completion</b></p> <p>Full-time students are obliged to attend classes and participate actively, part-time students are also welcome to join classes. Students shall submit a paper on a selected topic related to the course and previously approved by the lecturer. Paper shall be based on individual research and shall be at least 40.000 characters with correct citations (including spaces and footnotes, excluding bibliography).</p>	

**Required Readings**

1. Pasa, Barbara – Benacchio, Gian Antonio: *Harmonization of Civil and Commercial Law in Europe*, Central European University Press, 2005.
2. Bussani, Mauro – Werro, Franz: *European Private Law: A Handbook* Vol. 1., Carolina Academic Press, 2009.
3. Bussani, Mauro – Werro, Franz: *European Private Law: A Handbook* Vol. 2., Carolina Academic Press, 2014.
4. Adenas, Mads – Woolridge, Frank: *European Comparative Company Law*, Cambridge University Press, 2012.
5. Van Dam, Cees: *European Tort Law*, Oxford University Press, 2014.

**Recommended Readings**

1. Bell, John – Ibbetson, David: *Comparative Studies in the Development of the Law of Torts in Europe*, Cambridge University Press, 2012.
2. Brüggemeier, Gert – Ciacchi, Aurelia Colombi – O'Callaghan, Patrick: *Personality Rights in European Tort Law*, Cambridge University Press, 2010.
3. Rutgers, Jacobien – Sirena, Pietro: *Rules and Principles in European Contract Law*, Intersentia, 2015.
4. Gutman, Kathleen: *The Constitutional Foundations of European Contract Law: A Comparative Analysis*, Oxford University Press, 2015.

### Course Description (VIII.)

<b>Course Title</b>	<b>Criminal Policy in the First Decades of the New Century</b>
<b>Neptun Code</b>	JA-PHD-K-34
<b>Type</b>	core / <u>optional</u>
<b>Name and Position of Lecturer</b>	Sándor Madai, Associate Professor of Law
<b>Other Lecturers</b>	Ilona Görgényi, Associate Professor of Law
<b>Which Semester</b>	<u>fall semester</u> / spring semester
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<p><b>Course Objectives</b> This course provides a detailed and critical introduction to the study of criminal justice institutions, practices and participants and criminal policy. Our aim to explore crime and justice in both global and local contexts, and in particular the way that crime and justice are being continually redefined by global economic, social and political change.</p>	
<p><b>Topics</b></p> <ol style="list-style-type: none"> <li>1. Introduction</li> <li>2. The History of Criminal Policy</li> <li>3. Criminal policy at the new century</li> <li>4. Criminal justice and public policy</li> <li>5. Criminal policy and sanction policies</li> <li>6. Criminalization - decriminalization</li> <li>7. The international criminal policy I.</li> <li>8. The international criminal policy II.</li> <li>9. Crime trends in today's enlarged Europe and beyond.</li> <li>10. Criminal policy and the EU I.</li> <li>11. Criminal policy and the EU II.</li> <li>12. Criminal policy and the EU III</li> <li>13. Summary</li> </ol>	
<p><b>Requirements for Completion</b></p> <p>Full-time students are obliged to attend classes and participate actively, part-time students are also welcomed in classes. Students can choose an oral exam based on the required readings of the course, or can submit a paper on a selected topic approved by the lecturer, related to the course. Paper shall be based on individual research and shall be at least 40.000 characters with correct citations (including spaces and footnotes, excluding bibliography).</p>	
<p><b>Required Readings</b></p> <ol style="list-style-type: none"> <li>1. Klip Andre, <i>European Criminal Law : An Integrative Approach</i>, Intersentia Ltd. 2012</li> </ol>	

2. Miettinen, Samuli, *Criminal Law and Policy in the European Union*, Routledge, 2014
3. Christopher Hamerton, Sue Hobbs, *The Making of Criminal Justice Policy*, Routledge, 2014.

**Recommended Readings:**

1. Herlin-Karnell, Ester, *The Constitutional Dimension of European Criminal Law*, Modern Studies in European Law 2012.
2. Cassese A-Fan M-Whiting A-Aquaviva G, *International Criminal Law: Cases and Commentary*, Oxford University Press 2011.
3. Ruggiero V.- Ryan M.(eds.), *Punishment in Europe: A Critical Anatomy of Penal Systems Palgrave Studies in Prisons and Penology*, 2013,
4. Robinson G.- McNeill F., *Community Punishment: European perspectives*. Routledge, 2016.
5. O'Keefe R., *International Criminal Law*, Oxford International Law Library, 2015.
6. Wayne N. Welsh and Philip W. Harris, *Criminal Justice Policy and Planning: Planned Change*, 5th Ed. Routledge, 2016.

## Course Description (IX.)

<b>Course Title</b>	<b>New Developments in EU Legal Scholarship</b>
<b>Neptun Code</b>	JA-PHD-K-41
<b>Type</b>	core / <u>optional</u>
<b>Name and Position of Lecturer</b>	Ildikó Bartha, Associate Professor of Law
<b>Other Lecturers</b>	-
<b>Which Semester</b>	fall semester / <u>spring semester</u>
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<p><b>Course Objectives:</b></p> <p>The purpose of the course is to give io the students an up to date overview of new developments in the European Union legal scholarship in order to broaden their knowledge on this field, part of the Hungarian legal system. The course will help the students become familiar with the style, structure and reasoning of the Anglo-Saxon -type scientific writings, which may reach their own perception on handling research problems and publication. Because the course is focusing to the new developments, it needs to be updated in each year. So the topics mentioned above are not for "eternity".</p>	
<p><b>Topics:</b></p> <ol style="list-style-type: none"> <li>1. Critical turn in EU legal studies in the recent academic literature</li> <li>2. Social justice in EU law</li> <li>3. The legal-constitutional aspects of the euro-crisis</li> <li>4. The OMT case before the German Constitutional Court and the European Court of Justice</li> <li>5. The general legal aspects of the EU migration-refugee crisis (aims, methods, procedures, institutions)</li> <li>6. The EU migration-refugee policy in the Treaty (Treaty on the functioning of the European Union) and in the secondary legislation</li> <li>7. The application of the EU Charter of Fundamental Rights</li> </ol>	
<p><b>Requirements for Completion:</b></p> <p>Full-time students are obliged to attend classes and participate actively, part-time students are also welcomed in classes. Students can choose an oral exam based on the required readings of the course, or can submit a paper on a selected topic approved by the lecturer, related to the course. Paper shall be based on individual research and shall be at least 40.000 characters with correct citations (including spaces and footnotes, excluding bibliography).</p>	

### Required Readings

1. Critical Turn in EU Legal Studies. Editorial Comment. *Common Market Law Review*, 2015/4, pp. 881-888.
2. Georgios Anagnostaras, In ECB We Trust. The FCC We Dare! The OMT reliminary Ruling. *European Law Review*, Issue 5 (2015) pp. 744-772.
3. Daniel Sarmiento, Who is afraid of the Charter? The Court of Justice, national courts and the new framework of fundamental rights protection in Europe. *Common Market Law Review*, 2013. pp. 1267-1304.
4. Stewe Peers, *EU Law Analysis EU Free Movement, Immigration and Asylum law*. <http://eulawanalysis.blogspot.hu/2014/12/eu-free-movement-immigration-and-asylum.html>
5. Sionaigh Douglas-Scott, Justice, injustice and the rule of law in the EU, in Dimitry Kochenow, Gráinne de Búrca, Andrew Williams, *Europe's Justice Deficit?* Hart, Oxford, 2015, pp. 51-66.

### Recommended Readings:

1. Michael Dougan, Judicial review of Member State action under the general principles and the Charter. Defining the scope of the Union law. *Common Market Law Review*, 2015/5 pp. 1201-1245
2. Mattias Kumm, Rebel Without Case: Karlsruhe's Misguided Attempt to Draw the CJEU into a Game of Chicken and What the CJEU Might Do about it? *German Law Journal*, Vol. 15. Issue 2 (2014) pp. 203-215.
3. Ashley Terlouw, Voluntary Departure of Irregular Migrants and the Exception of Public Order. Case C-554/13, 11 June 2015. in *European Journal of Migration and Law*. 2016 Issue 1. pp. 126-137.
1. 4. Dimitry Kochenow, Gráinne de Búrca, Andrew Williams, *Europe's Justice Deficit?* Hart, Oxford, 2015

### Course Description (X.)

<b>Subject</b>	<b>The Actual Questions of the Private International Law</b>
<b>Neptun code</b>	JA-PHD-K-45
<b>Type</b>	core / <u>optional</u>
<b>Instructor</b>	Veronika Szikora, Professor of Law
<b>Other co lecturer</b>	Zsolt Hajnal, Associate Professor of Law
<b>Semester</b>	fall semester / <u>spring semester</u>
<b>Number of classes</b>	2/week
<b>Credit</b>	2
<b>Brief Description of the Course:</b>	
<p>The differences of the national private laws of the EU member states became one of the main obstacles of the single market's operation. To reach the final purpose of the European integration the EU legislators are harmonizing or unifying the current national laws, but during that the international private law should govern the cross border private issues. The course will give a short overview of the basics, principles and operation of the IPL. The second part will handle with the different fields of the European private international law.</p>	
<b>Topics:</b>	
<ol style="list-style-type: none"> <li>1. System and principles of the cross border private legal relations</li> <li>2. Methods, directions and basics of the European private law harmonization</li> <li>3. Fundamental grounds of the international private law</li> <li>4. General rules of the application of the international private law rules</li> <li>5. Case studies of the ECJ</li> <li>6. Lex personae, applicable law on the natural and legal persons relations</li> <li>7. Marriage and other life partnership in the EU</li> <li>8. The rules of the legal relation between parents and children in the EU, maintenance regulation</li> <li>9. The common European Succession law</li> <li>10. The applicable law on contractual obligations in the EU</li> <li>11. The applicable law on non-contractual obligations in the EU</li> <li>12. The rules of jurisdiction, enforcement and recognition of judicial decisions in the EU</li> </ol>	

**Course requirements:**

Students are expected to attend classes and participate actively. Each student shall submit a study on a selected or recommended law cases related to the course. Paper should be based on individual research, describing, demonstrating and criticizing the regulation, the related decisions, Paper must be at least 20,000 character (incl. spaces) with correct citations.

**Texts and materials:**

- Peter Stone: EU Private International Law Third Edition, *Elgar European Law series*, 2016.  
Stefania Bariatti: *Cases and Materials on EU private international law*, Hart Publishing 2011.

**Recommended literature:**

- Geert Van Calste: *European Private International Law* 2013. Hart Publishing

## Course Description (XI.)

<b>Course Title</b>	<b>Achievements in the Codification of Civil Procedure With Regard to Foreign Experiences</b>
<b>Neptun Code</b>	JA-PHD-K-43
<b>Type</b>	core / <u>optional</u>
<b>Name and Position of Lecturer</b>	László Pribula, Professor of Law
<b>Other Lecturers</b>	Judit Molnár, Senior Lecturer of Law Anna Nyilas, Senior Lecturer of Law
<b>Which Semester</b>	fall semester – <u>spring semester</u>
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<b>Course Objectives:</b>	
<p>With primary focus on procedural issues, the course presents fundamental changes that the new code of civil procedure aims to establish. It examines the controversial issues of codification and foreign examples of the new institutions and evaluates the results of these changes. It will enable students to look at case studies, analyze the results of codification in a field of law, and see the underlying policies that support a law.</p>	
<b>Topics:</b>	
<ol style="list-style-type: none"> <li>1. Aims of codification</li> <li>2. Main steps of codification from the Decree of the Government to the adoption of the Code of Civil Procedure</li> <li>3. Controversial issues during the codification process</li> <li>4. Recent codifications of civil procedure in Central European countries</li> <li>5. Changes in fundamental procedural principles</li> <li>6. Is there a need for a distinct Code of Administrative Litigation? Pro and con arguments.</li> <li>7. Changes in the rules of court competence and territorial jurisdiction. Division of the two separate procedural tracks in the district courts and regional courts</li> <li>8. Litigation costs: introduction of the compensation approach</li> <li>9. Divided trial system: how does it work?</li> <li>10. New rules on expert evidence</li> <li>11. Challenges in the new rules of remedies</li> <li>12. Special procedures: is there a need for special rules?</li> <li>13. Examination of the effects of codification through case studies</li> </ol>	
<b>Requirements for Completion:</b>	
<p>Full-time students are obliged to attend classes and participate actively, part-time students are also welcomed in classes. Students can choose an oral exam based on the required readings of</p>	

the course, or can submit a paper on a selected topic approved by the lecturer, related to the course. Paper shall be based on individual research and shall be at least 40.000 characters with correct citations (including spaces and footnotes, excluding bibliography).

### **Required Readings:**

1. Selected materials presented at the Conference on the *New Hungarian Civil Procedure Act and the Development of European Rules of Civil Procedure, 30-31 May, 2016*.
2. VAN RHEE, Cornelius Hendric, UZELAC, Alan, *Evidence in Contemporary Civil Procedure: Fundamental Issues in a Comparative Perspective*. Cambridge: Intersentia, 2015.
3. Frédérique Ferrand, Nicolò Trocker, Vincenzo Varano, *The Reforms of Civil Procedure in Comparative Perspective*, G. Giappichelli, 2005.
4. István Varga: Identification of Civil Procedure Regulatory Needs with a Comparative View, *ELTE Law Journal*, 2014/1.
5. *Selected chapters of The International Comparative Legal Guide to: Litigation & Dispute Resolution 2016*, 9th Edition (Free Online Access)

### **Recommended Readings**

1. Masahisa Deguchi, Marcel Storme, *The Reception and Transmission of Civil Procedural Law in the Global Society: Legislative and Legal Educational Assistance to Other Countries in Procedural Law*, Garant, 2008.
2. Anna Nyilas: *Simplification and acceleration of civil justice in Europe - With special reference to small claims procedures*, LAP LAMBERT Academic Publishing, 2011.

## Course Description (XII.)

<b>Course Title</b>	<b>The Progress of Criminal Procedure</b>
<b>Neptun Code</b>	JA-PHD-K-44
<b>Type</b>	core / <u>optional</u>
<b>Name and Position of Lecturer</b>	Balázs Elek, Professor of Law
<b>Other Lecturers</b>	-
<b>Which Semester</b>	fall semester / <u>spring semester</u>
<b>Number of Classes</b>	2 / week
<b>Credits</b>	2
<p><b>Course Objectives:</b></p> <p>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.</p>	
<p><b>Topics:</b></p> <ol style="list-style-type: none"> <li>1. The significance of the jurisprudence</li> <li>2. The role of jurisprudence in the legislature</li> <li>3. The role of jurisprudence in the judicial practice</li> <li>4. The progress of the criminal procedure from the XIX century</li> <li>5. The explanation of the 'truth'</li> <li>6. The legal force in the criminal and civil procedure</li> <li>7. The formation of the judicial belief, and the basic principles of the criminal procedure</li> </ol>	
<p><b>Requirements for Completion</b></p> <p>Full-time students are obliged to attend classes and participate actively, part-time students are also welcomed in classes. Students can choose an oral exam based on the required readings of the course, or can submit a paper on a selected topic approved by the lecturer, related to the course. Paper shall be based on individual research and shall be at least 40.000 characters with correct citations (including spaces and footnotes, excluding bibliography).</p>	

### Required Readings

1. Balázs Elek: Facts of consciousness” in the criminal judgement. *Journal of Modern Education Review*, ISSN 2155.7993 USA, New York, Volume 4, Number 9, September, 2014, 663-671. p.
2. Balázs Elek: The level of certainty: evidence and reasons for decisions in Human Trafficking crimes. Universitatea Petru Maior Targu Mureas Faculty of Economics, Law and Administrative Sciences Center for research in the field of Urbanism and Public Politics, „Fighting Against Human Trafficking” *Curentul Juridic*, Year IX, No. 1 (44), 2011, 92-105. o
3. Balázs Elek: Influencing testimony and confession with linguistic means during criminal procedure. In: Language and Law in *Social Practice Research*. Edited by Girolamo Tessuto and Rita Salvi, ISBN 978-88-99459-22-2, E-book, Language and Law in Social Practice 3rd International Conference, May 14-17, 2014, Royal Palace, Caserta, Italy, first published in 2015, 120-136. p.
4. Balázs Elek: Legal force of decisions in the criminal procedures. Collection of Papers from the International Scholastic Conference Bratislava Legal Forum, 10-11 october 2013, ISBN 978-80-7160-365-8 organised by the Faculty of Law, Comenius University <http://lawconference.sk/bpf/sprava/files/zborniky/Session%20of%20Criminal%20Law.pdf> 950- 957.
5. Delmas-Marty – Spencer J. R.: *European Criminal Procedures*. 1.3.1. Cambridge University Press, October 2002.

### Recommended Readings

1. Baldwin, J.: Police interview techniques. Establishing Truth or Proof? *The British Journal of Criminology*, Vol. 33. Summer 1993. No. 3, 325-352. o.
2. Graham P. J.: The Reliability of Testimony, *Philosophy and Phenomenological Research*, Vol. 61, No. 3. (Nov., 2000), 695-709. o.
3. Hastie, R.: Notes on Psychologist Expert Witness, *Law and Human Behavior*, Vol. 10, No. ½ The Ethics of Expert Testimony. Jun., 1986. 79-82. o.
4. Jain, M.: Mitigating the dangers of capital convictions based an eyewitness testimony through Treason’s two-witness rule. *The Journal of Criminal Law & Criminology*, USA, 2001. Vol. 91, No. 3,

## Appendix no. 1.

### of the Study Plan of the Géza Marton Doctoral School of Legal Studies

#### *Subjects of the “theoretical” part of the PhD complex exam*

I. Mandatory subjects: *“Methodologies of Legal and Political (Public Sector) Researches I.” and “Disciplinary theory and disciplinary methodology (including Methodologies of Legal Researches I-II. and Methodologies of Political (Public Sector) Researches I-II.)*

II. Elective subjects: *constitutional law; theory of state; criminal law; the law of criminal procedures; European law; philosophy of law; legal sociology; history of law; commercial law; environmental law; science of public administration; public management; public policies and financial law; labour and social law; international law; international private law; civil law; law of civil procedure; Roman law.* In addition, any other subject included in the educational plan of the doctoral school may also be chosen as a subject of the complex examination.