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Parliamentary Resolution and Standing Orders – a Study from the Hungarian Legislative Framework*

ABSTRACT

The legal status and classification of parliamentary resolutions in Hungary, particularly those issued by the National Assembly, are complex and multifaceted. This text explores the distinction between internal and external resolutions, highlighting the unique nature of Standing Orders and their role in parliamentary practice. It discusses how these resolutions, while not always classified as formal legal norms, can still exert binding authority within the framework of parliamentary procedures. The text explores into the normative and individual nature of resolutions, explaining how their application depends on whether they regulate internal parliamentary operations or address external entities.

The requirement of legality in parliamentary procedures is emphasized, pointing to the need for state bodies to adhere to prescribed forms and maintain consistency to ensure legal certainty. The paper further examines the difficulty of categorizing parliamentary resolutions as legal sources, and the challenges of distinguishing between normative and individual acts.

KEYWORDS: *Parliamentary resolutions, Standing Orders, National Assembly, internal resolutions, external resolutions, legality, legal norms, political declarations*

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Introduction

It should always be borne in mind that the House was a living assembly and not a body tied and bound by its rules, which it made for itself"
Sir Stafford Northcote[1]

In Hungarian public law literature, the Standing Order is universally regarded as a legal norm with binding force. Accordingly, in the 20th century, Gejza Ferdinandy stated that the Standing Orders regulate the internal order of the parliament (both the House of Representatives and the House of Lords). According to him, the Standing Orders are considered special legal sources, as they apply solely to the internal functioning of the given house, to its members, officers, and the audience present in the house –that is, they normatively define the functioning of the parliament and "carry the same force within their scope as the law, albeit they cannot contradict existing laws."[2] He also notes that resolutions concerning the "life" of the house have legal force.

Károly Kmety writes that the creation and modification of the Standing Orders are part of the parliament's autonomy, based on both custom and law, and possess direct state authority, as the internal affairs of legislative bodies are matters of direct constitutional interest. The rules that define how the parliament is constituted into two bodies capable of deliberation and decision-making, how it passes resolutions, and how it disciplines its members, form part of constitutional law. According to Kmety, the Standing Orders should be considered as real legal sources, specifically public law sources. Although the legislation rooted in parliamentary autonomy does not reach the level of a statutory legal source, no one else may interfere in its creation; even courts and others must simply adapt to it. [3]

Győző Concha states that the state, representing the personality of the nation, in its supreme legislative authority, is primarily bound by the rules of morality and justice. At the highest levels of national life, the guiding principle is not law but the morality derived from the nation's ideals.[4] In contrast, members of parliament, as legislators who deliberate, propose, and vote, are bound by predetermined rules in their functioning, whether these are laws or autonomous Standing Orders. He emphasizes that while morality is paramount at the highest levels of the state, in the actual legislative processes, the Standing Orders have binding force. Although membership in parliament involves a high degree of individual rights regarding speech, proposal, and voting, the Standing Orders, as objective law, define the external framework for parliamentary functioning.[5] In other words, the Standing Orders predefine the functioning of parliamentary members, thus ensuring the order and efficiency of legislation.

According to József (Barabási) Kun, the Standing Orders are rules that define the procedure for the emergence of the sovereign will of the legislative body, constituting the formal law of parliamentary procedure. These rules can be written or unwritten—that is, either codified or based on custom (customary law). Kun views the Standing Orders broadly as the collection of written and customary rules that govern the internal workings and procedural methods of a legislative body. In a narrower sense, he refers to the written and codified rules that regulate the procedures of the house in a binding manner for all similar cases until they are repealed by the house, following certain prescribed formalities.[6] Kun emphasizes that the Standing Orders establish the process for the formation of the sovereign state will, and therefore they must encompass everything necessary for the articulation of this

[1] See: Joseph Redlich: The Procedure of the House of Commons: A study of a Its History and Present form. 1903. University Californa.144.
[2] Ferdinandy, Géza: Magyarország közjoga. Politzer Zsigmond és fia kiadása, Révai és Salamon könyvnyomdája, Budapest, 1902. 37. §, 94. (Own translation: „maguk körében ép oly erővel bírnak, mint a törvény, mindazonáltal a már fennálló törvénnyel nem ellenkezhetnek")
[3] Kmety, Károly: A Magyar közjog tankönyve. Ötödik javított kiadás, Grill Károly Könyvkiadó Vállalata, Budapest, 1911. 13. §, 54–56.
[4] Concha, Győző: Közjog és obstrukció, 424. In Jogtudományi Közlöny 1904. 52. szám, 423–426.
[5] Ibid. 425.
[6] Barabási Kun, József: Parlamenti Házszabályok – politikai tanulmány. Franklin-Társulat, Budapest, 1907. 21. and 22.

supreme will.[7] Furthermore, he points out that even the internal autonomy of the English Parliament—as one of the privileges of the parliament—can only be exercised within the framework of the law, as the freedom to form the supreme state will only requir that the houses set their own rules of procedure within the confines of the constitution. According to Kun, the requirement of internal freedom for the houses is that, as far as possible, they make their own arrangements through their Standing Orders, while the laws only regulate the election of senior officials and ensure public transparency.[8] Finally, one fundamental element of the Standing Orders is order, while the other essential element is freedom—that is, the creation of Standing Orders according to the sovereign discretion of the house.[9] Kun stresses that, by their nature, autonomous Standing Orders belong to the category of special legal sources, as they only apply within the given house and primarily concern its members, officers, and the audience present within the house.

According to Gusztáv Szászy-Schwarz, the Standing Orders are binding legal norms that cannot be circumvented, even by the majority. These rules define the basic norms for the functioning of the parliament, and deviations from them are only possible in certain cases with the full agreement of the members, by unanimous consent. This means that some provisions of the Standing Orders may be set aside without a formal resolution, if all members agree. However, Szászy-Schwarz points out that there are certain resolutions from which deviation in this manner is not possible, although determining these is a complex issue. It is essential that even the most lenient Standing Orders can only be disregarded if no one opposes this (notwithstanding unanimous consent). This ensures that the observance and modification of the Standing Orders always take place with the collective consent of the members, maintaining the order and legality of parliamentary functioning.[10]

Gyula Moór compares the Standing Orders to the statutes of autonomous bodies—what we would today classify among the regulations that may be enacted by independent regulatory bodies—and highlights their significance as sources of law. According to Moór, autonomous bodies, such as state administrative authorities (at this point, Moór does not yet classify municipalities as independent legislative entities but only as autonomous bodies) and churches, exercise legislative activity within their own competence, which can only be contradicted by law or government decree. He asserts that the parliamentary Standing Orders (both for the lower and upper house) operate similarly: both houses of parliament establish their own internal order, and these rules are ranked directly below the law. Moór emphasizes that while other forms of autonomous legislation are subject to government oversight, the Standing Orders are completely independent of executive power. This independence is based on the fact that both government decrees and autonomous legislation derive their legal status directly from the law and customary law with the force of law. Thus, there is a relationship of coordination, not subordination, between statutes created in autonomous authority and government decrees. The protection of autonomous authority is ensured by administrative courts against the government. With this analysis, Moór supports the argument that the Standing Orders play a role in maintaining the balance and harmony between autonomous legislation and government decrees, emphasizing the independence and importance of the regulatory authority of autonomous bodies.[11]

In summary, the Standing Orders in the Hungarian public law system are special legal sources with legislative power that regulate the internal order of parliament. While they do not possess the same legal status as laws, their normative force establishes the basic framework and order for parliamentary functioning. These rules are guarantees of parliamentary autonomy, regulating the legislative process, the behavior of representatives, and the internal organization and discipline of the parliament. The modification and application of the Standing Orders fall exclusively within the competence of the parliament, and these rules can only be changed with the unanimous consent of the representatives, thereby ensuring the maintenance of parliamentary autonomy and legality.

[7] Ibid. 23.
[8] Ibid. 35.
[9] Ibid. 36.
[10] Szászy-Schwarz, Gusztáv: Parerga – vegyes jogi dolgozatok. Athenaeum Irodalmi és Nyomdai Részvénytársulat, Budapest, 1912. 262. and 263.
[11] Moór, Gyula: A különböző jogforrások, azok egyensúlya és rangfokozata a magyar jogrendszerben, 150–153. In Magyar Jogi Szemle 1932. 5. vol, 145–153.

Based on József Kun's thoughts, the Standing Orders define the procedure for the formation of the sovereign will of the legislative body, and as such, constitute the formal law of parliamentary procedure. These rules—whether written or customary—apply not only to the internal functioning of the house but also provide the framework for the formation of the sovereign state will. Consequently, one fundamental element of the Standing Orders is order, while the other essential element is freedom, which allows the house to formulate its own rules according to its sovereign discretion. For this reason, autonomous Standing Orders belong to the category of special legal sources, which are only applicable within the house but ensure the legality and autonomy of parliamentary functioning.
Furthermore, the Standing Orders can be regarded as part of autonomous legislation, independent of the executive power, and, as a special legal source, they create a balance between laws and internal parliamentary rules, as emphasized by Gyula Moór. Thus, the Standing Orders not only ensure the stability and order of parliamentary functioning but also contribute to the maintenance of the rule of law.

I. Standing Orders in general

"It is not a formal but fundamentally a political question how the relationship between the constitution and the Standing Orders is established. More specifically, whether the constitution leaves the regulation of parliamentary procedure to parliamentary autonomy, or whether it prescribes the fundamental provisions itself. In the latter case, the aim is typically to limit parliamentary autonomy, ensuring that its substantive legal and even significant procedural rules operate within predetermined frameworks. This situation holds true even when questions pertaining to parliamentary law are regulated not by the constitution but by other constitutional provisions based on constitutional authority."[12] In light of all this, determining the legal nature of Standing Orders remains an unresolved and much-debated issue in constitutional law. The various views, generally grounded in positive law, can be summarized as follows:

a) The Standing Order is a constitutional complementing legal norm**,** and as such, it ranks alongside constitutional acts in the hierarchy of legal sources. As an example, the Swedish Standing Order **(**Riksdagsordningen**)** can be cited, which, according to the 17th article of Chapter 8, Section 5 of the Swedish Constitutional Law [Regeringsform – Sweden 1974 (rev. 2012)][13], must be enacted as if it were a constitutional act. However, modifying the Standing Orders resembles more a constitutional amendment, as it must be passed through the same procedure as the constitutional laws constituting the four foundations of the constitution – except for the possibility of a referendum and the nine-month period between submitting the bill and the first reading, which are not applicable – and it cannot be amended by act either.[14] However, the bill can be passed in a single reading with a qualified majority (if

[12] Pikler, Kornél: Házszabályok. Budapest, 1971. 29. See: Josef Redlich: Recht und Technik des englischen Parlamentarismus: die Geschäftsordnung des House of Commons in ihrer geschichtlichen Entwicklung und gegenwärtigen Gestalt. Duncker & Humblot, Leipzig, 1905. 11..: „Die Geschäftsordnung und das Verfahren des Unterhauses sind unlösbar verwoben mit den fundamentalen politischen Tatsachen und Anschauungen, die den Kern des lebendigen englischen Staatsrechtes ausmachen." Own translation: *Nem formális, hanem alapvetően politikai kérdés az alkotmány és a házszabály közötti viszony. Közelebbről az, hogy az alkotmány a parlamenti autonómiára bízza-e működésének szabályozását, vagy pedig maga írja elő az alapvető rendelkezéseket. Utóbbi esetben a cél rendszerint az, hogy a parlamenti autonómiája korlátozott legyen és tevékenységének agyagi jogi, sőt jelentősebb eljárási szabályai is előre meghatározott keretek között mozogjanak. Ez az eset akkor is, ha nem alkotmány, hanem felhatalmazása alapján más alkotmányos szabály rendezi a parlamenti jogba tartozó kérdéseket*

[13] https://www.constituteproject.org/constitution/Sweden_2012
"The Riksdag Act is enacted as prescribed in Article 14, sentences one to three, and Article 15. It may also be enacted by means of a single decision, provided at least three fourths of those voting and more than half the members of the Riksdag vote in favour of the decision. Supplementary provisions of the Riksdag Act are however adopted in the same manner as ordinary law. The provisions of paragraph one also apply to the adoption of an act of law under Article 2, paragraph one, point 4."

[14] Ibid. "No law may be amended or abrogated other than by an act of law. Articles 14 to 17 apply with respect to amendment or abrogation of fundamental law or of the Riksdag Act. Article 17, paragraph one is applied in the case of amendment or abrogation of an act of law under Article 2, paragraph one, point 4."

three-quarters of the votes cast and more than half of the membership are in favor). Therefore, according to this definition, the form of the Standing Order is that of a constitutional act – Riksdag Act.[15]

b) The Standing Order is an act adopted in a legal form that ranks a step below the constitution and requires either a simple majority or some form of special majority. Whether this legislative act has a distinguishing feature is irrelevant from the perspective of legal source analysis. In my view, this is not a legal but a political requirement for regulating a given area.

c) The Standing Order, as an act of general validity that ranks lower than laws passed by a simple majority: Some opinions suggest that Standing Orders are legal rules of general validity that rank lower than ordinary laws. This view is not substantiated by positive legal provisions but appears in legal literature. Such Standing Orders do not need to be officially published and resemble internal regulations of state administration, i.e., internal rules regulating administrative processes. According to this view, Standing Orders do not have legally binding external norms but regulate the internal functioning of parliament and are therefore positioned at a lower level in the hierarchy of legal sources than ordinary laws.[16]

d) In terms of form, the Standing Order is not an external act (law) that regulates general compulsory behavior but rather an internal conventional rule (resolution)[17] adopted by the law-making and constitution-making body (both the lower and upper houses or either one). Article 1, Section 5 of the United States Constitution[18] and Article 58 of the Japanese Constitution[19] state that both houses [Senate and House of Representatives in the U.S., and the House of Councillors (参議院, sangi-in) and House of Representatives (衆議院, shūgi-in) in Japan] may determine their own procedural (therefore internal) rules, regulate the conduct of their members (normatively), and expel members with a two-thirds majority. More precisely, the two chambers, as the two houses of parliaments (Congress in the U.S. and 国会, Kokkai in Japan), have independent authority and autonomy to establish and amend their own internal (internal normative) rules—independently of one another. This constitutional authorization grants both chambers the power to create their internal regulations. This autonomy, both in the U.S. and Japan, stems from the legislative equality of the parliament. In other words, both chambers have separate authority to establish and maintain their own procedural rules. The handling of violations of the Standing Orders is, in every case, an "internal matter" of the respective house, where decisions on such issues are made by the members of the house in accordance with the procedural rules and mechanisms. In terms of form, the Standing Orders are "resolutions" (議決, giketsu)[20], whose authority is grounded in the

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[15] Besselink, Leonard – Bovend'Eert, Paul – Broeksteeg, Hansko – de Lange, Roel – Voermans, Wim (eds.): Constitutional Law of the EU Member States. Kluwer, Deventer, 2014. 1600. o.

[16] Pikler 1971: 30. o.

[17] See: Hatschek, Julius: Das Parlamentsrecht des Deutschen Reiches. Carl Heymanns Verlag, Berlin, 1912. 18–30.; Hatschek, Julius: Konventionalregeln oder über die Grenzen der naturwissenschaftlichen Begriffsbildung im öffentlichen Recht. In Jahrbuch des öffentlichen Rechts III. Bund. J.C.B. Mohr (P. Siebeck), Tübingen, 1909. See magyarul Búza László: A képviselőház Házszabályai. Államjogi Tanulmány. Sárospatak. Ref. Főiskola Könyvnyomdája. 1916. 27 and 28. Note: According to Hatschek, parliamentary practice is not based on legal norms but rather on conventional rules that develop through the practical application of laws. These rules do not have the official status of legal norms because they have not undergone the formal process of becoming legal sources, and they lack the essential condition for the formation of customary law, which is long-term usage. The purpose of conventional rules is to retrospectively justify practical procedures based on precedents, meaning they are applied on a case-by-case basis, unlike legal norms, which are always binding. Hatschek classifies these rules alongside parliamentary customs, as well as judicial and administrative practices.

[18] Constitution Annotated: "Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member." https://constitution.congress.gov/browse/article-1/section-5/

[19] 両議院は、各々その会議その他の手続及び内部の規律に関する規則を定め、又、院内の秩序をみだした議員を懲罰することができる。但し、議員を除名するには、出席議員の三分の二以上の多数による議決を必要とする

[20] The USA Senate Standing Orders:
https://www.govinfo.gov/content/pkg/CDOC-113sdoc18/pdf/CDOC-113sdoc18.pdf#page=7
The USA House of Representatives Standing Orders:
https://rules.house.gov/sites/republicans.rules118.house.gov/files/BILLS-117hresPIH-hres7.pdf
The Japan House of Councillors Standing Orders:

constitution (as well). These rules define the technical requirements for parliamentary work and serve as tools for governance to meet the needs of the state. They are not considered fundamental, primary external norms, but rather secondary (practical) internal norms arising from actual political circumstances and the state's constitution. Therefore, the modification of the procedural rules is not a theoretical-constitutional issue but rather a practical-political matter, subject to flexible conditions. [21]

II. Procedural aspect of the Standing Order

Regarding procedure, two key differences can be found between a resolution-based Standing Order and a law-based Standing Order. First, the former is adopted without the involvement of the President of the Republic – thereby signaling the parliament's autonomy – whereas the latter involves a "control role," implying that no other approval is necessary for its "valid" creation. The second distinction is that the publication of resolution-based Standing Orders is ordered by the Speaker of the House, not by the President of the Republic.

The Fundamental Law of Hungary does not explicitly address the form of Standing Order provisions. As a result, there is no linguistic basis for concluding that such provisions must only be enacted either at the legal or resolution level. However, Article 5 (8) of the Fundamental Law contains a provision that the regulations ensuring the regular sessions of the National Assembly must be regulated by cardinal law. This creates the obligation to regulate this issue—that is, the provisions ensuring regular sessions – at the level of cardinal law.

This, however, raises the question of what exactly is meant by a cardinal law. The Fundamental Law provides a clear answer in its Article T), stating that a cardinal law is also a law, requiring a two-thirds majority of the members of the National Assembly present for its adoption and amendment. In other words, it does not break the hierarchy of legal sources, as it establishes a legal fiction that a cardinal law is simply a law—nothing more or less—that can only be amended with a different voting ratio. This leads to the further question of whether we can linguistically conclude that a cardinal law is a form, and thus all its content is also "cardinal," meaning that the two-thirds voting ratio is required for the amendment or enactment of all provisions contained within it. However, logic and practice dictate that it is not the "form" that needs to be "protected" by a higher voting ratio, but rather the content. Hence, the statement in the Fundamental Law that the adoption of a cardinal law requires the votes of the present members is misleading. A more accurate formulation would be that the votes of the present members are required for provisions classified as cardinal under the Fundamental Law. This would clarify that the constitution-maker intends to protect the content, not the form.

The way the Fundamental Law is phrased is already correctly reflected in the current Standing Order (resolution): "for the adoption or amendment of a provision classified as cardinal under the Fundamental Law."

Regarding the temporal validity of the Standing Order in Hungary, we can say that it is not limited in time, and thus it is not considered applicable only for a specific parliamentary term **(**Sessional Orders**).** As a general rule, they do not contain automatic deregulation. In the life of the British Parliament, this distinction was applied to certain provisions of the Standing Order, rather than an individual-normative pairing. Thus, they remain in force across multiple parliamentary cycles. This also means that their expiration requires an explicit act,[22] implying that the House may freely decide to repeal these provisions by simple resolution at any time. However, until such an explicit resolution is passed, these norms bind the House, the Speaker, and every member with the same binding force as if they were prescribed by law for citizens.[23]

These rules of procedure include provisions regarding the establishment, organization, sessions, order of deliberations, and interpellation of the National Assembly—that is, procedural matters. They also contain provisions related to the office of the National Assembly, committees, and the conduct of

https://www.sangiin.go.jp/japanese/aramashi/houki/kisoku.html
The Japan House of Representatives Standing Orders:
https://www.shugiin.go.jp/internet/itdb_annai.nsf/html/statics/shiryo/dl-rules.htm

[21] Redlich 1905: 801. és 802.

[22] Cf. op. cit. Barabási Kun 1907: 9.

[23] Redlich op. cit. 1905: 259.

sessions. These rules often detail the legislative process, including the submission, debate, and voting of draft laws, draft resolutions, and draft declarations, as well as interpellations.

Every country's rules of procedure regulate different aspects in detail, such as the status of representatives, the appointment of the government, and other important state activities. The rules of procedure must have a normative character and apply in the hierarchy that determines legal sources. These rules of procedure regulate not only internal operations but also have an outward effect on other bodies and institutions. There are various types of resolutions within the rules of procedure, some of which are comprehensive and intended for long-term application, while others are internal resolutions with shorter duration and specific issues.

In summary, rules of procedure determine the order of operation and activity of state organs and are important legal sources within countries.[24]

A further question arises concerning government members and ministers who are not representatives.[25] Are they not bound by the autonomous Standing Orders? Are they only subject to the rules of parliament that are published at the "act level"? Consequently, does the Speaker not have the authority to apply the internal disciplinary order of the House to them? Based on Article 7 (2) of the Fundamental Law, a representative of the National Assembly is legally entitled to address questions to individuals who are not representatives. This raises the question of who is considered a member of the government. Generally, the government is defined as the body of ministers – those leading ministries and ministers without portfolio together. The government typically represents one or more parliamentary factions, but there is a hypothetical case where a secretary of state – even a parliamentary secretary of state –may not belong to the ruling party and may not hold representative status. Consequently, such a secretary of state cannot be considered part of the government or a member of the government. It should be noted that, according to the 2018 Government Administration Act (kormányzati igazgatásról szóló törvény), a secretary of state is considered a senior political leader (politikai felsővezető), but this legal provision does not imply that the secretary of state belongs to the government or is a member of the government –neither in a legal nor political sense.

Nevertheless, if we accept that an individual belongs to the "government," the next question arises. If, under the Fundamental Law, a member of the National Assembly is entitled to submit an interpellation or question to the individual on any matter within their scope of duties, this must mean that the individual is obliged to respond – either personally or, in exceptional cases, through a deputy, according to the Act XXXVI of 2012 on the National Assembly (hereinafter: Na Act.).[26] Section 42(2). Section 42 (4) of the Na Act further stipulates that the individual in question must answer at a session of the National Assembly. This raises several important questions. If we assume that the interpellated individual is not a government member, then based on this section of the law, arrangements must be made to ensure their access to the Parliament building and the opportunity to respond to the interpellation posed to them there. Furthermore, the issue of disciplinary authority, already discussed in legal literature, is also not clear. This leads to the conclusion that resolutions concerning an individual's behavior, conduct, and obligations (whether to act, refrain from acting, or tolerate), which are not defined by law (in the Na Act.) but by internal normative acts (Standing Orders) – even if these internal normative acts derive their "authority" from a law or the constitution – raise constitutional concerns and call for a reevaluation of the theory of legal sources. Moreover, if we accept this duality, it also means that there can be a Standing Order both at the legal level and at the resolution level simultaneously, and that it is not defined that only one Standing Order may exist. This means that the Standing Order can appear in multiple legal sources. From this logic, we can conclude that there is a distinction between the formal and material sense of the Standing Order. That is, any provision related to the functioning of the National Assembly is considered part of the Standing Order in a material sense, while in a formal sense, it is a resolution adopted by the National Assembly, named the Standing Order, and passed with the two-thirds majority defined in the Fundamental Law, regardless of the specific content of the provision. This also means that this does not need to be regulated within a single legal source, and thus it can be addressed in multiple parliamentary resolutions. Nevertheless, a key procedural aspect of adopting the Standing Order, whether in law or resolution, is the voting ratio.

[24] Bihari, Ottó: Az államhatalmi képviseleti szervek elmélete. Akadémiai Kiadó Budapest, 1963. 212.
[25] Lásd: Fayer, Gyula: Nem képviselők a házban, 447–448. o. In Jogtudományi Közlöny 1907. 52. szám.
[26] Az Országgyűlésről szóló 2012. évi XXXVI. törvény

III. The sui generis nature of the Standing Order

The debate surrounding the rules of procedure or Standing Orders (*Házszabály, Geschäftsordnung*), which regulate the internal order of parliaments, originates from multiple sources. The first can be captured in the notion that a law can only be enacted with authorization, and if we choose this form, the head of state could potentially have a say in creating this Standing Order. Furthermore, the question arises whether the laws enacted by the National Assembly bind the National Assembly itself when it creates its internal procedures. In other words, does the sovereign remain sovereign if it relinquishes its sovereignty? More trivially: can a sovereign enact a provision that it cannot change without losing its sovereignty? All this is related to the theoretical legal question that the supreme authority of the legal order cannot be subject to judicial review – *quis custodiet ipsos custodes?* The fact that the supreme legislator is without legal responsibility does not mean that it is without legal obligations. The National Assembly in Hungary solved this problem by previously enacting the Standing Order not in the form of an act but in the form of a resolution.

The powers of the National Assembly – like in democratic systems –cannot be limited by law. As a result, even the powers and duties defined in the Fundamental Law are merely exemplificative. Consequently, the National Assembly can decide on any state matter – here it is worth mentioning that the exercise of this power can also be regulated by procedural limitations. For example, the National Assembly could previously issue guidelines and general resolutions, thereby interpreting the laws it had enacted, which, in this respect, would have been *interpretatio authentica*. However, if these interpretations were not surrounded by appropriate procedural guarantees, the content of substantive legal provisions could be altered through interpretations, disregarding the constraints of law-making.[27] In other words, "this is not interpretation, but – formally flawed – law-making through interpretation," [28] which is why the National Assembly can no longer enact such interpretative provisions. These resolutions can have external or internal effects and can have general personal and territorial applicability.

It is also worth mentioning the view that the provisions to which the country's representatives must adhere should be surrounded by the same safeguards as those that apply to ordinary citizens.[29]

Based on all this, the Standing Order can be regarded as a *sui generis* legal source that cannot be described by the formal or material requirements of any other legal source. While it could be aligned with another sui generis legal source, it cannot form a particular part of it due to its unified nature.[30] Consequently, it is not part of the Fundamental Law – because it exists in a unified structure – and there is no stipulation in the constitutional authorization[31] regarding the form in which the Standing Order must be enacted. Before the 2012 Na Act, the form was that of a resolution, considering that this form choice ensures the parliament's (National Assembly's) autonomy from any other power. This is because the signature of the President of the Republic is not required in this case.[32]

On the other hand, if we attempted to choose the form of a decree for the creation of the Standing Order, we would face the problem that it is not enacted by the executive power – meaning that the people would have a say in its adoption –even if, due to the mixed nature of the "Honorable House", the two branches of power intertwine in terms of personnel. For this reason, two further options are available for regulating the internal affairs of the House.

In the case of the executive power, the main bodies are authorized by law or decree to create public organizational regulatory tools for the bodies under their direction and supervision. According to

[27] Constitutional Court Decision 60/1992 (XI. 17.); Constitutional Court Decision 50/2003 (XI. 5.); and Constitutional Court Decision 121/2009 (XII. 17.) on the annulment of the (old) Act on Legislation. [a (régi) jogalkotásról szóló 1987. évi XI. törvény]
[28] Constitutional Court Decision 41/1993. (VI. 30.)
[29] Eugène, Pierre: Traité de Droit Politique Électoral et Parlementaire. Librairies-Imprimeries Réunies, Paris, 1893. 433.
[30] See : Constitutional Court Decision 45/2012. (XII. 29.)
[31] Fundamental Law Article 5, (7) The National Assembly shall establish the rules of its operation and the order of its debates in the provisions of the Rules of Procedure adopted with the votes of two thirds of the Members of the National Assembly present. […]
[32] 46/1994. (IX. 30.)OGY resolution.

current scientific opinion, given that the Standing Order is named in "resolution" form – and, according to Legislation Act. Section 1 (1) (b),[33] it is a normative resolution – it is also part of the range of public organizational regulatory tools. The difference, although not immediately apparent, is still significant. The authorization for regulating the internal affairs of the House is not derivative but original – whereas the authorizations for creating public organizational regulatory tools are exclusively derivative, and it would be tautological to speak about it here, as the authorization comes from the parliament, so an explanation of self-authorization is unnecessary. Furthermore, external provisions can be formulated in the Standing Order, which contradicts the definition of public organizational regulatory tools.

The sui generis nature of the Standing Order as a legal source is further strengthened by the fact that its regulatory scope and form cannot be placed within a formalistic legal hierarchy. We cannot determine its relationship to laws (because the power to enact laws, according to Kelsen's norm pyramid, derives from the Fundamental Law, as does that of the Standing Order or emergency decrees or laws), decrees, or other public organizational regulatory tools. However, we can establish that the power to create it originates from the Fundamental Law – based on the principle *of nemo plus iuris* – so it cannot rank higher than the authorizing provision. [34] Nevertheless, Jakab argues that the legal source of an act cannot be determined based on the authorizing provision, as this could lead to the conclusion that the Standing Order stands above the Fundamental Law, since the process for adopting the Fundamental Law is laid down by the Standing Order. Jakab's analysis reinforces that it is impossible to determine the exact place of a legal act in the hierarchy based on the concept of authorization alone, as this would result in contradictions. Therefore, the Standing Order cannot be clearly integrated into the traditional hierarchy of legal sources.

The right to create the Standing Order is exclusive, and its content – its material scope –cannot be removed. However, the inalienability of the material scope of this legal source means that it is limited – just like the decree-making power of the Hungarian National Bank – so it cannot extend to the legislative domain of others. From this logic, we can conclude that the Standing Order is a sui generis legal source, which, while placed under the Fundamental Law within an autonomously delegated authority, cannot be modified by law.[35]

Another question is what should be called a *sui generis* legal source. The Latin term *sui generis* means "of its own kind"—more precisely, it is derived from the possessive pronoun *suus, sua, suum* (meaning "one's own" or "its own") and the noun *genus* (meaning "kind," "type," or "class"). Thus, it refers to something unique in its own kind or class. In the context of legal sources, sui generis must therefore mean something unique in its category.

In my opinion, considering that the Standing Order is the second legal source (after the Fundamental Law) in Hungary that, while not considered a formal legal source in the sense of a law, still meets the formal requirements of laws in its structure and form (and possesses the formal validity elements of laws) –being divided into a preamble, titles, subtitles, and sections, with amendments made in accordance with the requirements of the ministerial decree on legislative drafting. and the legislation act just like laws – it follows that it behaves like any other law. Furthermore, from the perspective of the theory of the separation of powers, it plays a prominent role in the system of legal sources. Therefore, we must necessarily conclude that something that looks like a law and behaves like a law, according to the rules of logic, must be treated as a law. However, since it cannot be classified as either a law or a decree, it must be regarded as unique in its category.

This hypothesis is reinforced by the fact that, in a material sense, the Standing Order also has the characteristics of a law, expanding the range of generally binding rules of conduct defined in Article T) of the Fundamental Law, as the Standing Order, like government resolutions, is not considered a law

[33] A jogalkotásról szóló 2010. évi CXXX törvény

[34] See Jakab András: A magyar jogrendszer szerkezete. Dialóg Campus Kiadó, Budapest - Pécs, 2007 107.. Note: The question remains whether the non-compliance with a parliamentary resolution could result in the invalidity of a law. See: the non-compliance with the provisions of Parliamentary Resolution No. 10/2014 (II. 24.). This raises the further question of what the relationship—potentially a hierarchical one—between parliamentary resolutions and laws, particularly acts of law, might be

[35] The same line of reasoning is developed by László Búza as well, and I mostly agree with the incorporation of his conclusions into the current legal system See: Búza1916. 54.

under Article T) of the Fundamental Law, yet it contains provisions that apply to individuals who are not members of the National Assembly.

At this point, I feel it necessary to elaborate that I consider the enumeration of legal sources in Article T) of the Fundamental Law to be flawed. The essence of laws is that they establish generally binding rules of conduct. However, the Fundamental Law names acts, government decrees, prime ministerial decrees, ministerial decrees, decrees of the president of the Hungarian National Bank, decrees of the head of an independent regulatory body, and municipal decrees as legal sources. Therefore, the Fundamental Law imposes a formal requirement on the "form" of legal sources but not a substantive one. Nevertheless, Article T) does not omit the material side of laws, as it specifies that generally binding rules of conduct can be established by the Fundamental Law and legal sources created by a body with legislative authority, as defined in the Fundamental Law, and published in the official gazette. Thus, we could lean back and say that everything is in order, as the Fundamental Law has closed the open question.

In line with the accusatorial approach, I propose a more in-depth analysis.

(1) Generally binding rules of conduct may be established by the Fundamental Law and by a legal source created by a body with legislative authority as designated in the Fundamental Law, and published in the official gazette. […]

Thus, paragraph (1) tells us that the authority to establish generally binding rules of conduct is vested only in the Fundamental Law and the body with legislative authority designated therein. Primarily, this means that the Fundamental Law itself contains generally binding rules of conduct (and also that the Fundamental Law may expand the number of legislative bodies). Secondarily, it means that generally binding rules of conduct may be created by the body with legislative authority, provided that the designated bodies comply with two formal requirements: that they are bound by the form of legal norms, and that they must be published in the official gazette.

Nevertheless, practice shows that not only the legal norms bound by form contain generally binding rules of conduct, but also statutory decrees, council of ministers' decrees, and certain acts created by the European Union. In alignment with the views expressed by Csaba Erdős, I neither find it necessary nor a good solution for the Fundamental Law to specify what can be considered a legal norm.[36]

In summary, the first argument is that the Standing Order does not meet either the formal or material requirements of legal sources, and thus cannot be clearly placed within the traditional hierarchy of legal sources. This makes the Standing Order unique, as it does not fit into the usual categories of legal sources. The second argument concerns the difficulty of determining the rank of the Standing Order as a legal source, as it cannot be clearly established how it relates to other legal sources such as laws or decrees. This uncertainty also suggests that the Standing Order is unique in its category, as traditional categories cannot adequately describe it. The third argument pertains to the autonomous manner in which the Standing Order is created, which differs from traditional forms of legislation, as the signature of the President of the Republic is not required. This autonomy further strengthens the uniqueness of the Standing Order, as such autonomous law-making is not characteristic of other legal sources. The fourth argument, based on András Jakab's assertion, is that it is not possible to accurately determine the hierarchy of legal sources based on the concept of authorization, as this could lead to contradictions. [37] This reinforces the idea that the Standing Order cannot be categorized within the traditional legal hierarchy, as it falls outside the logic of that structure. The fifth argument is that the legal nature of the Standing Order does not fit into the traditional taxonomy of legal sources, as it encompasses regulatory subjects that are not found in other legal sources, and thus cannot be interpreted within the traditional formal framework of legal sources.

[36] Erdős, Csaba: Kritikai megjegyzések az Alaptörvény jogszabály-fogalmával kapcsolatban. In SZOBOSZLAI-KISS Katalin – DELI Gergely: *Tanulmányok a 70 éves Bihari Mihály tiszteletére.* Győr, Universitas, 2013. 2013, 134–137.
[37] Jakab op. cit 145.

IV. Types of resolutions of the National Assembly

In my view, it is essential to distinguish between internal and external resolutions of the National Assembly – particularly concerning whether the provisions of the Standing Orders are internal or external. This distinction means that external resolutions regulate the outward relations of the National Assembly, not involving government members, the President of the Republic, the Ombudsman, or ministries. In such cases, the act of publication is necessary for the resolution to be valid. On the other hand, internal resolutions (organizational regulations) govern the internal affairs of the parliament, establishing internal guiding principles for its members. In this case, the resolution becomes valid upon its adoption alone.

In practice, however, resolutions generally take effect upon adoption when they concern the election of individuals external to the National Assembly, meaning those resolutions that, in my opinion, have an external nature.[38] From this, we can infer that something else underlies this distinction. We can see that moments related to the election of officeholders are specific and non-normative, so they do not have the characteristics of legal norms. Therefore, publication is not necessary for their validity, as they are not addressed to the general public but to designated bodies and authorities, and the act of adoption itself is sufficient to bring them into force. These legal acts contain no normative content. Typically, they relate to the establishment of bodies or specific functions but do not contain general provisions like legal norms. As such, internal and external resolutions can be distinguished among these individual resolutions. Examples of internal resolutions include those concerning the election of parliamentary officers or the agenda of a session, while external resolutions pertain to the tasks and operations of bodies elected by the National Assembly. These individual resolutions do not contain general provisions and are characterized by their specificity, tailored to particular situations and issues. [39]

There is generally no mandatory requirement for the publication of individual resolutions, and in most cases, they are not published, as they do not have a normative impact. If such resolutions are published, the primary purpose is to inform, and their validity – unless another condition is specified – begins *ex nunc* from the moment of their creation, which, in the case of collective bodies, is the moment when the result of the vote is determined, and for single-person bodies, the moment when the resolution is expressed either orally or in writing. The validity of individual resolutions is not contingent upon publication, and their enactment is generally determined by other factors, not by the date of publication, but by, for instance, the date of adoption.

According to the general understanding, normative provisions that have an outward effect can only be formulated in external acts, as such provisions extend beyond the regulatory scope of the given organization.

In the case of resolutions of the National Assembly, we cannot separate original (autonomous) and delegated (derivative) authority, as applied to laws and government resolutions. This is because the

[38] The resolutions related to the Constitutional Court and the judiciary address the election of the leaders of the Constitutional Court and other important judicial institutions. For example, the 16/2024. (VI. 11.) OGY határozat az Alkotmánybíróság elnökének megválasztásáról, while the 18/2023. (VII. 5.) OGY resolution az Alkotmánybíróság új tagjainak megválasztásáról. Further examples include the 33/2019. (XI. 5.) OGY resolution, which also pertains to the election of a new constitutional judge, and the 30/2020. (X. 20.) OGY resolution, which governs the election of the President of the Kúria. In addition, the election of the President of the National Judicial Office is covered by the 47/2019. (XII. 11.) OGY resolution. The resolutions in the topic of the President of the Republic and the government deal with the election or resignation of the President of the Republic and the Prime Minister. For instance, the 3/2024. (II. 26.) OGY határozat a köztársasági elnök megválasztásáról, while the 1/2024. (II. 26.) OGY határozat a köztársasági elnök lemondásának elfogadásáról. There have also been several resolutions regarding the election of the Prime Minister, such as the 13/2022. (V. 16.) OGY resolution, which records the election of the Prime Minister, as well as the 6/2018. (V. 10.) OGY resolution and the 14/2014. (V. 10.) OGY resolution.

[39] See Redlich op. cit. 258.: „Verfahrens ausdrücklich gefassten Beschlüsse sowie der auf Grund dieser Beschlüsse ergangenen Verfügungen (Orders) zur Ordnung seiner Geschäfte. Der Begriff der Orders umschließt nun ein Zweifaches; nämlich erstens konkrete Verfügungen und zweitens abstrakte Normsätze in betreff der Geschäfte des Hauses. In ersterer Hinsicht ist die Order die allgemeinste Form der Tätigkeit des Hauses, sie ist der Motor für die ganze Summe konkreter, positiver Arbeit des Hauses. Als solche hat sie uns hier nicht zu beschäftigen, sondern wir haben es hier nur mit einer Order im Sinne der abstrakten Norm zu tun."

National Assembly, as the legislative branch, is empowered to create such resolutions, and it would be a misinterpretation to delegate or make such power dependent on another branch of power. Thus, a resolution of the National Assembly can only be created under its original jurisdiction, meaning that every resolution of the National Assembly must rest directly on the supreme norm of the legislative branch. If a legislative act derived its authority from a regulation enacted by the executive branch, it would be considered invalid under the requirements of democratic legitimacy and the rule of law.
In my opinion, a resolution created by the legislative branch cannot be based on a regulation issued by the executive branch because the legislative branch has the independent right to create it. A resolution of the National Assembly can be enacted based on the authorization of the Fundamental Law or the cardinal provisions determined by the Fundamental Law.[40]

If an act contains both normative and individual provisions, the entire act (for the purpose of its amendment) must be considered normative – following a similar logic as when an act contains both external and internal provisions, the act must generally be considered external.[41] However, when distinguishing between individual and normative acts, we cannot follow the differentiation based on the scope of subjects – i.e., that one type of act has an open scope of subjects, while the other has a closed one. This is because the scope of internal norms is not closed, and neither is that of external norms, as even the workforce of the given body changes in the case of internal norms. Based on all this, I believe that the Constitutional Court, which has so far been inconsistent in its practice, would undergo a fundamental change if it were to define its act review authority according to this theory. [42] Nevertheless, based on this logic, we can also conclude that an entire resolution must be considered normative if it contains both individual and normative provisions. "A necessary element of a normative act [...] is that the scope of its addressees is broader, not directly or specifically defined as one or more persons, meaning that the provision does not concern a specific individual case. If the legislator bypasses the application of existing law or the normative amendment of a legal norm by framing an individual decision in legal form, the solution becomes abusive." [43]

The problem arises when the legislator wishes to amend an individual provision within an act that is generally considered external. This is because the requirements for amending individual provisions and normative provisions are different. Thus, the question arises whether the normative amendment form should be applied to the entire resolution when amending an individual provision, or only the form specific to the individual provision. That is, when modifying an individual provision, there is no need to stipulate the enactment of the amending resolution, while in the case of normative provisions, this is necessary – since individual provisions are revoked and not repealed. This hypothesis is reinforced by László Búza's thoughts – because the Standing Order is also a normative resolution, and according to him, "the closing resolutions of the House of Representatives' Standing Orders contain specific provisions regarding the amendment of the Standing Orders and the enactment of the amended Standing Orders. These provisions only apply to the Standing Orders in the formal sense; simple house resolutions, even if they are Standing Orders in the material sense, can be adopted and brought into force at any time." [44]

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[40] See: 14/2021. (V. 19.) OGY resolution**,** which was enacted based on Section 87 (1) of Act CLXXXV of 2010. These provisions are classified as cardinal laws pursuant to Article IX (6) of the Fundamental Law.

[41] At this point, I find it necessary to mention that I consider András Jakab's assertion, formulated in footnote 88 of his doctoral dissertation, to be erroneous. According to Jakab, an act should be regarded as normative even if it consists solely of individual provisions. (Jakab András: A magyar jogrendszer szerkezete. Doktori disszertáció, 2005, 30)

[42] Erdős, Csaba: Parlamenti autonómia – Aktustani elemzések az Országgyűlés jogállásáról és hatásköreiről. Gondolat, Budapest, 2016. 126–127.

[43] Own translation. 3057/2015. (III. 31.) Constitutional Court Decision, Kiss László [96] cites 183/2010. (X. 28.) Constitutional Court Decision. […] normatív aktus szükségképpeni eleme az, hogy a címzettek köre szélesebb, s nem közvetlenül és konkrétan meghatározott egy vagy több személy, vagyis a rendelkezés nem valamely konkrét egyedi ügyre vonatkozik. Ha a jogalkotó a hatályos jogszabály alkalmazását vagy a jogszabály normatív módon történő módosítását kerüli meg az egyedi döntés jogszabályi formába öntésével, a megoldás visszaélésszerűvé válik.

[44] Own translation. Búza László: *A képviselőház Házszabályai.* Államjogi Tanulmány.Ref. Főiskola Könyvnyomdája,Sárospatak,1916. 24.: […] képviselőházi házszabályok záróhatározatai ugyanis a házszabályok módosítására, illetőleg a módosított házszabályok hatálybalépésére nézve bizonyos rendelkezéseket tartalmaznak.

If we follow the logic that the form determines the nature of an act, then we can say that every normative act, even if it contains individual provisions, can only be amended as if the individual provisions also had a normative form –regardless of whether only an individual provision is being amended, and not a normative one. If, however, we consider the material content of the provision as the determining factor, then in this case, when an individual provision is amended, it should be modified in an individual manner, regardless of whether the act also contains normative provisions. This question can be traced back to Heraclitus's theory, which examines whether something should be defined by its form or by its material substance – essentially, what constitutes the identity of an act.

Furthermore, when resolutions of the National Assembly take on an external character, the question arises as to whether we should speak of publishing a resolution or promulgating it. After 2010, legal scholarship uniformly agreed that public organizational regulatory tools are published, not promulgated, but before 2010, the enactment of some resolutions of the National Assembly was tied to the moment of promulgation [see 70/1993 (IX. 16.); 51/1994 (X. 19.); 31/1995 (III. 24.); 43/1995 (IV. 13.); 62/1996 (VII. 9.); 61/1997 (VI. 5.); 36/1999 (V. 7.); 66/2000 (IX. 13.); 5/2001 (II. 15.); 68/2004 (VI. 22.)]. In my opinion, when resolutions of the National Assembly take on an external character, they acquire (normative) effect upon publication, in contrast to when they regulate an issue with a simple internal character, where they take effect upon adoption. In my view, it would be entirely unnecessary to tie the effect of an internal resolution of the National Assembly to its publication, as it would impose rules on the same individuals (the entirety of those involved) who created them and who are also responsible for applying those rules.

Additionally, it is worth distinguishing between approval resolutions and political declarations of the National Assembly, as follows:

Approval or rejection resolutions, or briefly, acceptance-type resolutions (these are related to the activities or normative acts of other bodies): These are decisions that record the approval of various reports, accounts, draft laws, and political statements—although, in my view, the latter should be presented in the form of a political declaration rather than a regular resolution. These approval resolutions ensure the supervisory function of the National Assembly, as they allow parliament to formally express its opinion and position on the operation of governmental and state institutions, as well as on international commitments. These resolutions reinforce the framework of the rule of law by imposing limits on the activities of the executive branch and ensuring the transparency of democratic processes. Approval resolutions can cover a wide range of topics. In the areas of national security and political matters, the National Assembly frequently decides on the approval of reports that directly affect the security and political interests of the country.

Political declarations: "A statement by the National Assembly on a political issue requiring an independent decision, adopted in a form other than a bill or resolution proposal."[45] The topics of political declarations issued by the National Assembly reflect the changes occurring in the given period, and thus are closely linked to the most important political and social events of the time. For example, among international and foreign policy issues, there is the 1/2022 (III. 10.) OGY political declaration (*politikai nyilatkozat az orosz–ukrán háborúról*), which reflects on the Russia-Ukraine war, and the 3/1997 (XI. 5.) OGY political declaration (*politikai nyilatkozat Magyarország NATO-tagságának elősegítéséről*), which concerns facilitating Hungary's NATO membership. The issue of migration has particularly come to the forefront in recent years, as illustrated by the 1/2023 (V. 3.) OGY political declaration (*politikai nyilatkozat a migráció elutasításáról és a kibocsátó országok helyben történő támogatásáról*), which addresses the rejection of migration and the support of source countries locally, as well as the 3/2021 (XII. 14.) OGY political declaration (*politikai nyilatkozat a migráció elleni nemzetközi fellépésről*), which dealt with international action against migration. Declarations on security policy and terrorism have also played an important role, such as the 2/2023 (X. 25.) OGY political declaration (*politikai nyilatkozat a terrorizmus elítéléséről és az áldozatok melletti kiállásról*), which condemns terrorism and expresses solidarity with the victims. Among the declarations related to European Union relations and international organizations, notable examples include the 2/2013 (X. 22.) OGY political declaration (*politikai nyilatkozat a rezsicsökkentés védelméről az európai uniós bürokrácia nyomásgyakorlásával*

Ezek a rendelkezések csak a formális értelemben vett házszabályokra vonatkoznak; egyszerű házhatározatok, ha materiális értelemben házszabályok is, bármikor hozhatók, és bármikor léptethetők hatályba.

[45] Házszabály 158. § 22.

szemben), which addresses the protection of utility cost reductions against pressure from EU bureaucracy, and the 2/2020 (V. 5.) OGY political declaration (*politikai nyilatkozat az isztambuli egyezményhez való csatlakozás elutasításáról*), which rejected Hungary's accession to the Istanbul Convention. Human rights and social issues have also been reflected in political declarations, such as the 1/2005 (III. 10.) OGY political declaration (*politikai nyilatkozat a cigány holokausztról*), which deals with the issue of the Roma Holocaust, and the 1/2004 (IV. 6.) OGY political declaration (*politikai nyilatkozat a Holocaust Emléknapjáról*), issued on Holocaust Memorial Day.

Based on the available statistics, since 1997, the National Assembly has issued a total of 28 political declarations, which means that on average, one to two such declarations were made annually. However, there was significant variation between individual years, depending on the political changes of the given year.

The requirement of legality clearly demands that every state body creates its acts within its own authority and in the form prescribed by law. This is because the constant switching or improper application of forms and types of acts creates uncertainty among citizens regarding whether the given act is binding. Therefore, the creation and application of acts in the prescribed form are essential for maintaining legal certainty and legality. Although there are normative resolutions in current Hungarian parliamentary practice that have legal significance for citizens, these are relatively rare, and their necessity is questionable.[46] However, if such a resolution is adopted, citizens are obliged to adhere to its provisions just as they would with laws—until a competent body determines its unconstitutionality. Conversely, there are views that resolutions not made within the framework of legislative authority ("simple parliamentary resolutions") carry political significance but do not have the legal binding force of law. [47]

In the case of normative resolutions, the will of the National Assembly must be the same as for laws—the fact of publication seems to confirm this. Based on these arguments, it is necessary, for the sake of maintaining legality and legal certainty, that state bodies strictly adhere to the prescribed forms and the proper application of acts, including normative resolutions, which are binding on citizen. [48]

Conclusion

Defining the resolutions of the National Assembly as legal sources is as challenging a task as defining government resolutions as independent legal sources – distinct from other legal sources and having absolute value. This is because, just as we distinguish legal rules issued by the executive branch, categorizing them into those that are integrated into the system of legal sources – such as government decrees – and those that are not – such as government resolutions.

From a purely formal perspective, we can also observe that draft laws, like the “proposals” for resolutions of the National Assembly, are considered motions within the framework of parliamentary procedure—more precisely, they are seen as collections of motions, each of which requires separate consideration and voting. As Joseph Redlich metaphorically described, these motions are like “building blocks,” and draft laws are the entirety formed by these blocks – the corpus. Indeed, an organization (or organism) can only be understood if we know its components, its building blocks.[49]

In my opinion, it is unconstitutional to tolerate any practice that essentially enforces regulation or legislation disguised as internal normative acts. Therefore, every internal normative act cloaked in this disguise is both unlawful and unconstitutional.

Individual acts (resolutions) of the National Assembly can have both internal and external characteristics. This is because what defines whether an act is internal or external is not whether it is individual or normative, but rather whether it is directed internally within the organization or externally. Thus, there are individual resolutions with external characteristics – because they are directed outside the organization—such as the purchase of a building or the issuance of a supporting document. And

[46] See: 9/2011. (III. 9.) OGY resolution: az új Alkotmány elfogadásának előkészítéséről.
[47] Badura, Peter: Staatsrecht. C.H. Beck’sche Verlagsbuchhandlung, München, 1986. 360. és 361.
[48] Lásd: Bihari, Ottó: Az államhatalmi képviseleti szervek elmélete. Akadémiai Kiadó, Budapest, 1963. 210–211.
[49] Redlich, Joseph: The Procedure of the House of Commons: A Study of Its History and Present Form. Archibald Constable & Co. Ltd., London, 1903. 12.. See: Redlich 1905.

there are individual acts that are characterized by internality, such as assigning tasks to a specific body or individual. Based on this, I disagree with the view that individual acts can only have external characteristics.[50]

As I previously explained regarding the normative nature of government resolutions, my assertion is that when an authority appoints or invites a person to a position, these acts should be considered normative (and not individual!), because the act does not specify the individual but the role or position—thus, the task assignment goes beyond the individual and is general in nature. I apply the same approach when determining whether the resolutions of the National Assembly are individual or normative in nature.[51]

It is also worth noting that this "creative authority" to designate positions can have both internal characteristics (such as assigning new duties to a government official, like a government commissioner or ministerial commissioner) and external characteristics (such as the election of constitutional officials by the National Assembly, such as the President of the Republic, the Chief Prosecutor, the President of the Supreme Court, or the President of the Constitutional Court).

[50] Erdős op. cit. 2016: 67.
[51] See: Balássy, Ádám Miklós: Kormányhatározat – tanulmány a magyar közigazgatásból. In Jogelméleti Szemle, 2022. 3. szám, 2–26.

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