

## **Why is there a constitutional crisis?**

*Without the need for completeness, focusing on the most important points.*

### **I. The Republic of Hungary is the lawful Hungarian state**

1. A new state was wanted to be created under the name "Hungary" with the founding document "Fundamental Law of Hungary" (hereinafter Fundamental Law).

2. Constitutional turning point, interrupting the legal continuity, was included into the Fundamental Law (Magyar Közlöny / Hungarian Gazette, edition 166 of year 2011), thus declaring that this new state is legally not continuous with the Republic of Hungary (it is not its legal successor) and has not declared legal continuity with any former Hungarian state (not Hungarian, so foreign state!).

3. It is apparent from point 2 that this new state "Hungary" is not a legal successor to the Republic of Hungary and therefore can not eliminate it, cannot inherit its territory and its citizens and any of its possessions. That is, the legitimate Hungarian state remains the Republic of Hungary, preserving its territory, its citizens, and everything that it had previously belonged to.

4. If the new state is not a legal successor, this new state cannot be a member of the United Nations, the European Union, NATO and any other organization. Their member is still the Republic of Hungary.

5. Since, according to point 3, the new state, being not a legal successor, cannot inherit the elected bodies of the Republic of Hungary, they cannot be the appropriate bodies of this new state, but in this new state in 2012 no one elected parliament, government, President, Constitutional Court, and so on, so in this new state on 1 January 2012 there were no elected bodies.

6. The Parliament of the Republic of Hungary on January 1, 2012 can not be the parliament of this new state, since the members were elected to the Parliament of the Republic of Hungary, while in this new state no one elected them.

7. The Government of the Republic of Hungary on January 1, 2012 can not be the government of this new state, since its members were elected into the Government of the Republic of Hungary, while in this new state no one elected them.

8. The President of the Republic of Hungary on January 1, 2012 can not be the President of this new state, since its members were elected to the President of the Republic of Hungary, while in this new state no one elected him.

9. The same applies to all other elected positions and bodies, to the mayor and to the municipal representatives, and the same goes for every office!

10. Based on the above, it can be stated that there is no legitimate legislator in this new foreign state created under the alias of "Hungary", and in the absence of a territory and citizens there is no effective, so existing law in this new state. Accordingly, although it is the founding document of this new state, in the absence of a territory the Fundamental Law is also not in force, so it does not exist as a law.

11. On the basis of the above, it can be stated that in this new state and / or on its behalf nobody can legally exercise public power.

12. It is clear from the foregoing that if a new state does not have a territory (see point 3), then that new state has not been created, that is, this foreign private state that is intended to create under the name "Hungary" does not exist.

13. However, if a (non-existent) foreign state is physically operated using by the institutional system of a sovereign state, then its classification as a public law is a foreign occupation.

*So far, we have assumed that the Fundamental Law is valid, only the state intended to create does not exist, together with all the consequences described above. But the Fundamental Law neither is valid, nor is seemingly in force.*

## **II. Why is the Fundamental Law invalid?**

Any of these reasons alone are sufficient to establish the invalidity of the Fundamental Law but, in the case of the Fundamental Law, all the reasons exist simultaneously, that is to say, to prove validity, any invalidity must be disproved without exception.

1. Article 1 of the UN Covenant on Civil and Political Rights states that All peoples have the right of self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. Since the definition of these is a constitutional task, thus the people is the constitutional power in the states signing this document. According to this document, the signatory States are bound to integrate this into their legal order, so it was included in the Constitution of the Republic of Hungary (hereinafter Constitution) in 1989. So, according to international law, the people is the constitutional power, that is, any constitution (or fundamental law) which has not been adopted by the people is invalid. (JA 1.1 – page 2)

2. The legislature did not have the right to adopt a new constitution or a fundamental law, therefore the Fundamental Law is illegitim, since according to the Constitution all power is owned and exercised by the people (see 1). Those rights that exercised by the people through the elected representatives are listed in Article 19 (3). What is not listed there, the parliament has no right. Neither adoption of the new constitution nor modification of the existing constitution is listed among the powers, so they are exercised directly by the people as part of "all power". That is, the Fundamental Law is illegitimate because it was adopted without legal authorization. Even, they did not have such social and political authorization, but this is not the subject of our investigation. (JA 1.2 – page 3, 1.3 – page 5)

3. The Fundamental Law violates existing laws in many ways, so its creation and adoption is illegal, such as:

3.1. The legal basis of its adoption is false (Article 19 (3) a) of the Constitution) because it does not allow to adopt a document entitled "Fundamental Law of Hungary". (JA 2.1 – page 7)

3.2. In the Fundamental Law, the parliament declares itself to be a non-legal body operating without a legal basis, as it declare the Constitution (Act XX of 1949), invalid which provides the legal basis for their operation. Thus, it states in essence that he has no right to create laws, including a fundamental law. After the vote, the parliament should have disbanded itself

immediately and declare the nullity of any legal document it have ever adopted.\* (JA 2.4 – page 8)

3.3. The Fundamental Law defines itself to be invalid, as it declares the law (Act XX of 1949) invalid, to what refers as a legal base, that is, it has been adopted according to the Section 19 (3) a) of Act XX of 1949. Invalid law does not establish a right. (JA 2.4 – page 8)

3.4. The Fundamental Law calls itself a treaty, namely, among the Hungarians of the past, the present, and future ("the National Avowal"). The text of the Fundamental Law emphasizes that its content should be interpreted together with the National Avowal, and therefore cannot be considered solely as a solemn introduction, but as an integral part of the law to be established.

Accordingly, the Fundamental Law as a contract is invalid because the contracting parties can not be determined, and the contracting parties have not expressed their mutual and congruent will, which is a prerequisite for the validity of a contract. So much not, that they did not know that a contract was made in their name almost secretly on December 30, 2011, when no one even had the opportunity to protest. So the Fundamental Law as a contract is invalid, so it is null and void, the original state must be restored. (JA 2.5 – page 9)

3.5. But if all these previous invalidity reasons were not met, it would still be invalid because a substantial change was made in the text when legally it was already no option. (JA 2.2.2.1 – page 8)

3.6. Unconstitutionality: the Constitution (Act XX of 1949) is also a fundamental law (Section 77 (1)), i.e. the Fundamental Law is unconstitutional as a fundamental law. (JA 2.3 – page 8)

### **III. The consequences of invalidity - why is there a constitutional crisis?**

1. The Fundamental Law is invalid and therefore not eligible for legal effect. As a result of the lack of legal effect, the new state, which was to be called "Hungary", was not created, so there is no such state. This also means that the Fundamental Law has not been able to enter into force, so it is not in force, ie does not exist as a law.

2. The lawful Hungarian state is the Republic of Hungary and the legal order in force is the aggregate of the laws in force on 31 December 2011 without reference to the invalid Fundamental Law and other invalid legal documents.

3. There is a constitutional crisis because the state machinery (offices, police) applies the provisions of the occupying organization instead of existing legislation (constitutional order) and enforces the application of them to Hungarian citizens. This is because the provisions of the occupying organization are published in the possessed Hungarian Gazette, so the authorities thinks them to be laws in force in the Hungarian state.

4. Those state bodies on which the Constitution imposes imposes a duty to protect the constitutional order (prosecution offices, courts, police) are obliged to interpret the public law situation and the above described validity issues.

They must know by their profession and by their duty that the Hungarian Gazette has no longer been issued as an official paper of the Hungarian state, but as an "official" paper of a private organization (before January 1, 2012, "the official paper of the Republic of Hungary" after "the official paper of Hungary"). So anyone can see at the first look, that the provisions are not promulgated in the Hungarian state, accordingly they are not in force at all, not even seemingly.

5. It can be stated that every public office that exists in the Hungarian state is currently not acting as an office of the Hungarian state, but acts illegally as an executing organ of the occupying private organization. They are unlawfully exercising public power and have no jurisdiction. Each office, in particular in the case of a request to do so, has a statutory obligation to review its jurisdiction, so it has opportunity to return to lawful operation at any time.

6. It can be stated that any organization or institution that has been established by this occupying private organization based on their invalid and ineffective rules, such as the Curia, the General Court, the NVSZ, the AVH, the municipal law enforcement, etc., they have no right of action. These organizations can not operate legally, they must be disbanded.

7. In the lawful Hungarian state there was no election since January 1, 2012. The fake elections defined just the decision-making bodies of a private organization, but the legal situation is that, as we have outlined above, there was no legitimate legislator in the fictitious (non-existent) state so the "election law" was also not valid in the fictional state, consequently the "elections" were not even valid in the fictitious state.

Conclusion: the bodies calling themselves to the President, Government, Parliament, they are merely the bodies of the occupying private organization, not the elected bodies of the Hungarian state. Orban does not lie about this issue, he never says his organization "a Hungarian government", always "Government of Hungary", because he knows best what the difference is.

**JA = Legal Document titled LEGAL STANDPOINT ON THE PUBLIC LEGAL INVALIDITY OF THE "FUNDAMENTAL LAW OF HUNGARY" AND ITS CONSEQUENCES (16 pages)**

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