István OLAJOS*

The summary of the research on agricultural land as a natural resource**

The most important result of the research that the study summarized the definitions of the rules on natural resources and the results of the research was written and published by *János Ede Szilágyi*.[1] The competent study on the construction of the dogmatics of the area arises from three sources: at first, he summarised the 20th century theory of natural resources based on the study of Guillermo Cano[2] published in 1975 and after that he sumamrised the sources of hungarian law and using these sources he makes an attempt to approach the regulatory objects of natural resources and to examine the dynamics of the approach. Related to the determination of conceptual elements, he starts from the Fundamental Law of Hungary, the National Confession and the definitions of the environmental and nature protection acts.

Regarding the objects and nature of environmental law, he considered the following statement published by *Tamás Prugberger* in Debrecen in 2002 valid: *"This way, environmental law can be handled as the general part of this field and the special provisions of the above mentioned legal fields as the particular (special) parts of the natural resources law.*"

Related to the dynamics of objects, Szilágyi stated the following conclusion in the summary of his study: "*(a) The Hungarian national law material reflects the `from time to time changing´, social science (Zimmermannian) – i.e. narrow – approach. (b) Today's environmental law provides an existing legal framework for the unified application of the sub-fields of natural resources law. (c) The sub-fields of natural resources law cannot be determined exactly, with an exhaustive nature; we can talk about a circle to be reviewed from time to time at most (although without doubt there are important sub-fields existing for longer time). (d) There are significant differences in the characteristics of the particular sub-fields, which may raise the question whether we may or shall seek a more unified regulation.*"[3]

Anna Petrasovszky deals with the dogmatics of the studies on agricultural land and its history. She found the basis of dogmatic approach of the examined area in the natural law of the beginning of the 19th century.

István Olajos: The summary of the research on agricultural land as a natural resource – A mezőgazdasági földre, mint természeti erőforrásra vonatkozó kutatások összefoglalója. *Journal of Agricultural and Environmental Law* ISSN 1788-6171, 2018 Vol. XIII No. 25 pp. 190-212 doi: 10.21029/JAEL.2018.25.190

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[1] Szilágyi János Ede: A potential approach of natural resources law, *Journal of Agricultural and Environmental Law*, 2018a/25, 270-281, doi: 10.21029/JAEL.2018.25.270.

[2] Guillermo J. Cano: *A legal and institutional framework for natural resources management*, FAO Legislative Studies no. 9, Rome, FAO, 1975.

[3] Szilágyi 2018a, 281.

The economic assets and objects of the state on which asset management law are exercised, are the following: "*The goods are defined on the basis of categories borrowed from virtue ethics and by natural law as described in the ius politiae; they are those honest, useful, and pleasing goods that appear in the case of ius circa bona civitatis from an economic point of view. Natural law regards them as the source of goods and services produced in the economy. The key to their characterization is the extent to which they are covered by state power, and by what principles, and to what extent, they are at the state's disposal. According to eudaemonism, the natural law claims that economic goods shall be directed to the public good. Thus, under the notion bona in civitate it should be understood as goods suitable for realizing the purposes of the state. Therefore, natural law interprets natural resources as assets forming part of bona civitatis, and as being at the disposal of the state authorities. It takes into account its nature and the principles relating to the way in which the state exercises its power in the management of these assets. Natural law interprets the assets on state territory (bona in civitate) in the broadest sense as things, thereby excluding persons from its scope. The property law centred approach distinguishes between goods in someone's ownership (bona propria), and free-standing goods, temporarily belonging to no-one (bona iacentia), also called ownerless goods (bona adespota). The distinction between public (bona publica) and private goods (bona privata) has a substantial impact on the exercise of ius circa bona civitatis. The further differentiation is also important for the exercise of state power. So, among public goods it distinguishes on the one hand, goods that, whilst they belong to the community, they are still used by individuals, such as rivers, river banks, mountains, certain roads, etc. On the other hand, there are goods that are not used by individuals, but that belong to all citizens and are also known as the patrimonial wealth of the state (patrimonium civitatis), such as public buildings, public spaces, highways etc. This latter group of goods is allocated to the category that is generally referred to as treasury wealth (bona Camerae); it is known in monarchical states as crown wealth (bona coronalia), and in republics as national wealth (bona nationalia).*"[4]

She summaried the state issues related to the exercise of public goods as the following: "*It is in the nature of public goods that the body which exercises state power shall possess it exclusively as its own so as to be able to protect citizens from all kinds of harm. From these assets it may benefit only to the necessary extent for its own purposes. The primary aim of public goods is to provide and preserve the security of the state. A further aim is the public benefit and only when this is taken account of can the exerciser of state power allocate resources for its own purposes to the extent necessary. The remainder of resources shall be made available to the public, bearing in mind the need for equal access. The use of some public goods denied to citizens in certain cases is in the patrimonial nature of state asset-management and relates to the territorial authority (ius territorii) of the state. In this case also the aim of the state is a decisive fact, as it derives from the need for the body exercising state power to be allowed to allocate a certain part of public goods for its own purpose in a manner compatible with the aim of the state. Moreover, after careful overall deliberation, so not arbitrarily, it is able to dispose of them such public goods by other means, for example it may sell them.*"[5]

The regal revenues mean further differentiation: "*The variety of items having this exclusive right of use provides different financial revenues under the following heads: hunting rights (ius venationis), forestry rights (ius forestale), mining rights (ius montanum), right to treasure trove (ius in*

[4] Petrasovszky Anna: Establishing the protection of natural resources by the state in 19th century natural law, *Journal of Agricultural and Environmental Law*, 2017/23, 140, doi: 10.21029/JAEL.2017.23.117.
[5] Petrasovszky 2017, 142.

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thesauros) and right to operate a postal sevice (ius postarum). The state enjoys these rights whenever a private asset is declared to be a state lease. The general administration (politica) can require that the royal revenue, which otherwise falls within the competence of the state for financial purposes, be transferred to management by individuals.[6] Treating this asset, the state follows the following principles: „*1) he has unlimited personal ownership (ius dominii illimitati) which can be exclusively enjoyed at his or her own discretion. Its unlimited nature means that disposition of them does not fall under administrative regulation (quia legibus regiminis non subest); 2) the usufruct rights of the ruler's financial assets (ius utendi et fruendi in bonis fiscalibus) according to which income can be accounted as costs to the extent necessary; by exercising this right the ruler may keep account of his or her returns. 3) the management of state treasury (ius aerarii administrandi) according to which state assets are allocated to the public costs based on the ruler's decision. In exercising this right – in contradistinction to the foregoing – he may not take his own interest into account, but he must keep the public goals in mind; he must be vigilant in ensuring the integrity of state assets. Natural law theorists warn that these types of assets are hardly separate, since overlapping goals might cause them to be confused.*"[7]

Among the mentioned regale revenues, the mining law can be mentioned. Related to the mining law, a historical and a legal summary were prepared in the framework of the research. The most important result of the historical research of *Magdolna Gedeon* is that during the patrimony kingship the right to extract minerals was a royal sovereignty. It became a regale right only at the time of monarchy, when the crown was shared from the benefit of the exploitation. In the 17th century the attempt to the central codification of the mining rules was made in royal Hungary, but it violated the autonomy of mining towns and its rules applied as a background law of local mining common law. In the 20th century the treasures of the earth became state property which may have been exploited by the authorized concessionaire for a specified period of time.[8]

In the legal study, *Bianka Kocsis* analysed the most important rules of mining law in the relation of environmental law and mining activity. After flashing the regulatory points of the area, examining the EU law at the intersection of the two areas, she determined the following conclusions: „*Between mining activity and environmental protection there is conflict, which has effects on the related legislation, and which obstacles the fulfilment of obligation, or responsibility for protection of natural resources. In my opinion the analysations above could justify this hypothesis. The examined court cases show, that mining activities may infringe environmental interests in several situations – for example: (a) in the field of waste management (since management of wastes emerging during mining activity, and leftover rocks are important questions, which easily can lead to legal disputes), (b) in the field of environment protection (within this topic, water protection is an emphasized field, see e. g. the EU Court Case in connection with good status of*

[6] Petrasovszky 2017, 143.
[7] Petrasovszky 2017, 144.
[8] Gedeon Magdolna: Die historische Übersicht über das Bergrecht als das Recht der natürlichen Ressource, *Journal of Agricultural and Environmental Law*, 2017/23, 5-20, doi: 10.21029/JAEL.2017.23.5.

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waters, or the German Case on relationship between the fundamental right to water and right to property), (c) in connection with protection of Natura 2000 areas".[9]

Related to the mining law, as the right of the exploitation of the treasures of the earth and as one of the source of energy law, the studies dealed with this area only in a basic level. Widening and deepening these research areas will be the next major task of our research team.

Related to the analysis of the practise and theoretical questions of classic land transaction, several studies have been prepared.

Related to the land transaction, *István Olajos* in his study in 2017 dealed with the question how the authorization of the agricultural administrative authority would affect the validity of the contract by the entry into force of the new Land Transactions Act and on which court and what kind of process the validity will be examined and whether it will have any impact on the decision. Furthermore he examined the legal judgement regarding the process on the sale, which terminates the common property. In the aforementioned case, he presented the appropriate and relevant case law of the Curia, which determined that the only case which qualifies as the termination of common property is if related to the property only one owner remains at the end of sale. Regarding the examination of the validity issue, he examined the cases of validity in the administrative and labour courts. He determined that who attacks the subsequently annulled contract as a result of his own perpetuating conduct, can not rely on the invalidity of the contract. When analyzing the outcome of another case, however, he determined that a contract was violated by law where the parties did not designate the buyer's preemption right from all the circumstances of the case.[10]

Adrienn Nagy analysis the procedural aspect of the aforementioned issue. If the administrative proceedings have been unsuccessful in the case of a nullity of the contract between the parties, whether the parties have the right to initiate civil proceedings concerning nullity of the contract by applying the principles of substantive and legal discretion. In this article, the author analyzes the differences between the legal statement and its content and legal constraint regulated by the Act on Civil Proceeding and Act on Administrative Proceeding. We can find the answers in the summary of her article: "*After the introduction of procedural reforms, it may be concluded again that issues emerging from the possibility of initiating parallel proceedings may still not be unambiguously solved. From the point of view of procedural law, there is no objection before an injured party in initiating a civil proceeding to declare the contract null and void by the court, even on the same legal basis, after the settlement of an administrative court proceeding had entered into effect. On the other hand, a civil court may not come to a divergent legal conclusion from that having reached by an administrative court. Nonetheless, it may occur that such new facts emerge during a civil proceeding, which, with attention to the different legal character of the proceedings, were not examined neither by an administrative body in*

[9] Kocsis Bianka: Mining Law, as traditional, land related part ofthe Law of Natural Resources, *Journal of Agricultural and Environmental Law*, 2017/23, 48, doi: 10.21029/JAEL.2017.23.36.

[10] Olajos István: The acquisition and the right of use of agricultural lands, in particular the developing Hungarian court practice, *Journal of Agricultural and Environmental Law*, 2017/23, 91-116, doi: 10.21029/JAEL.2017.23.91.

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an administrative procedure, nor by the court in an administrative court proceeding, and which may result in a different legal qualification."[11]

János Ede Szilágyi deals with the the analysis of european union and international law of land transactions in his study in 2017. After examining the question of the hungarian Member State's reservation on the acquisition of property, in the aspect of the applicability of the EU's fundamental freedoms and as a positive and negative integration model in the spirit of the Charter of Fundamental Rights of the European Union, he describes the practice of EU bodies and their attitudes to the provisions of the hungarian Land Transactions Act. The conclusion of this model is that "*not to infringe the system of property ownership, but the respective jurisdiction of the CJEU slightly changed (complemented) it declaring that although the member states are entitled forming their property ownership independently but when determining these regulations they cannot bar out the economic freedoms provided by the EU, in our case the free movement of capital and persons.*"[12]

Szilágyi summarized the european union case law as the following: "…*The CJEU strictly watches so that national law shall not discriminate EU citizens on the basis of their nationality. … According to the interpretation of CJEU, a national law or regulation on the free movement of persons and free movement of capital fill the requirements of EU law just if in addition to satisfying the obligation of national treatment it also serves legal public interest objectives, and the restrictive national regulation cannot be replaced by another regulation less restrictive on the free movement of capital.*" [13]

At the same time the European Commission in the infringement procedure - even now in progress – questions the objectivity and EU-conformity of the following measures: "*(a) complete ban on the acquisition of land by domestic and foreign legal entities, (b) proper degree in agricultural or forestry activities, (c) proper agricultural or forestry practice abroad, (d) obligation on the buyer to farm the land himself, (e) impartiality in prior authorisation for the sale of lands.*"[14]

On the other hand, in the usufruct case the final decision establishing by the opinion of the Advocate General is summarized by him as the following: "*the legislation and the cancellation decisions taken on the basis thereof are contrary to the free movement of capital. In fact, the requirement that such rights must have been created between close members of the same family gives rise to effects which are indirectly discriminatory against nationals of other Member States and cannot be justified by any of objectives put forward by the Hungarian Government.*"[15] The essence of his criticism in his study is that the Advocate General does not notice the role of the existing positive integration model and he mixes the usufruct with the legal institutions of the lease.

[11] Nagy Adrienn: Changes in judicial practice related to the land transaction act after reforms of procedural acts, *Journal of Agricultural and Environmental Law*, 2018/25, under publishing.
[12] Szilágyi János Ede: European legislation and Hungarian law regime of transfer of agricultural and forestry lands, *Journal of Agricultural and Environmental Law*, 2017/23, 154, doi: 10.21029/JAEL.2017.23.148.
[13] Szilágyi 2017, 156.
[14] Szilágyi 2017, 159.
[15] Szilágyi 2017, 161.

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For example, the positive integration model is considered by the European Parliament's report on land concentration.[16] He summarized the numerous proposals for action of the report as the following: "*All these taken into consideration, the European Parliament, (a) `recognises the importance of small-scale family farms for rural life´, and `considers that local communities should be involved in decisions on land use´. (b) The European Parliament `calls for farmland to be given special protection with a view to allowing the Member States, in coordination with local authorities and farmers' organisations, to regulate the sale, use and lease of agricultural land in order to ensure food security…´ (c) Furthermore the European Parliament – among other things – calls the European Committee (c1) to establish an observatory service for the collection of information and data on the level of farmland concentration and tenure throughout the Union´; (c2) `to report at regular intervals to the Council and Parliament on the situation regarding land use and on the structure, prices and national policies and laws on the ownership and renting of farmland, and to report to the Committee on World Food Security (CFS)…*"[17]

The jurisprudence of the European Court of Human Rights has been examined in a study[18] published by *Marinkás György* in 2018, wherein after a land transaction introduction, he examined the jurisprudence of the European Court of Human Rights in the area of compensation, land administration, environmental protection and inheritance. Considering the aspects of the investigation, he examined the member states' practice in the aspects of the compliance with fairness procedure and the legitimacy of ownership. The criterias of fairness procedure are the following: "*the states enjoy a wide margin of appreciation regarding the rules of judicial review and the kind of evidence they require.*"[19] "*[T]he unreasonable length of the procedures as some of the procedures lasted for a decade or even longer.*"[20] Related to the property withdrawal, the examined aspects were the following: "*The permanent case law of the ECtHR – which was brought into prominence in the compensation and hereditary related cases –, requires that the expropriation must be based on law, to pursue a legitimate aim and has to be proportionate.*"[21]

Regarding the international law János Ede Szilágyi in his first study in 2018[22] examined the commercial convention between the European Union and third countries from the standpoint how these international conventions affect the land transactions. He examines, as a legal analyst for the first time, the implications of cross-border acquisitions of agreements between EU and Japan, Singapore, Vietnam and Canada. In his summary, he concludes the following. "*In our view this study may highlight several potential research subjects and may direct attention to the diversity of the ways how the issue of cross-border land-*

[16] European Parliament (EP): Report on the state of play of farmland concentration in the EU: how to facilitate the access to land for farmers, Committee on Agriculture and Rural Development A8- 0119/2017, 2017.03.30. (hereinafter referred to as: EP 2017).
[17] Szilágyi 2017, 163.
[18] Marinkás György: Certain Aspects of the Agricultural Land Related Case Law of the European Court of Human Rights, *Journal of Agricultural and Environmental Law*, 2018/24, 99-134, doi: 10.21029/JAEL.2018.24.99.
[19] Marinkás 2018, 114.
[20] Marinkás 2018, 114.
[21] Marinkás 2018, 115.
[22] Szilágyi János Ede: The international investment treates and the Hungarian tranfer law, *Journal of Agricultural and Environmental Law*, 2018b/24, 194-222, doi: 10.21029/JAEL.2018.24.194.

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acquisition can be approached in an international investment agreement. We think that the given interest that is to be defended decides which of the approaches is expedient. The study did not deal with the essential question – besides several other questions – whether it is right to handle the issue of the cross-border acquisition of land in the XXI century as a pure investment question, and what are the possible alternatives. In other words the subject of this study is a good field for future research."[23]

Our research extended to the classic areas of legal research. Related to the the public law nature of studies, *Zoltán Nagy*'s study[24] shall to be highlighted, wherein the finance lawyer author analyzes the system of indirect and direct agricultural supports and the system of rural development from the perspective of financial and economic aspects. His summarizing statements are the following: "*Subsidy policy is complex, cross-cutting set of rules which affects some scientific research area beside legal research. However, it has an increasing importance in economic and social processes.*"[25]

Related to the system of the supports, he highlighted that: *"Taking into account all of these facts, legislative changes are needed. A unified subsidy act should be adopted in which the procedure of subsidies should be regulated in details and be increased with sectoral laws. Furthermore, public legislation should be strengthened in the case of subsidies as the conversion of public funds into private assets largely justifies it. Subsidies carry economic political and social purposes. In order to ensure these purposes public laws means the most effective and best solutions. Within public legislation it would be important to regulate contractual relations in new public contractual framework and to strengthen supervision with more stringent sanctions to reduce abuses and to make subsidies reach their purpose."*[26]

Related to the agricultural and rural development supports, he determined that *"All these general statement are increasingly valid for agriculture subsidies. The study presents several issues concerning to rural development and agricultural economy. Problems, of course, cannot be solved only by subsidy policy but it means an important solution option in this area. Therefore, analysis should focus on subsidy policy. Country life and agricultural production are closely linked to each other therefore a complex treatment is needed from the aspect of support. Strategy is a priority area not only in Hungary but in the European Union."*[27]

Csilla Csák's study[28] in 2018 is also written in the field of public law, which analysis the situation of the state as a necessarily legitimate heir, and the beneficiary in case of testamendary succession regulated by the Land Transaction Act from the practise of Constitutional Court. Related to the situation of environmental law, agricultural law, domestic law and EU law, the effective issue is the interpretation of consitututional practise analized the issue of usage of Natura2000 areas. In the field of financial compensation, the study focused on practical aspects concludes the following: *"A solution, which proposes to treat separately testamentary dispositions taken at different times, seems*

[23] Szilágyi 2018b, 207.
[24] Nagy Zoltán: The regulation of financial support in particular for agricultural support, *Journal of Agricultural and Environmental Law*, 2018/24, 135-163, doi: 10.21029/JAEL.2018.24.135.
[25] Nagy 2018, 147.
[26] Nagy 2018, 147.
[27] Nagy 2018, 147.
[28] Csák Csilla: Constitutional issues of land transactions regulation, *Journal of Agricultural and Environmental Law*, 2018/24, 5-32, doi: 10.21029/JAEL.2018.24.5.

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to be appropriate. Time limit considering the possibility of financial compensation should be connected to the entry into force of Land Transaction Act or to the scope of regulation on financial compensation. According to it the assessment of testamentary disposition shall be regulated in a different way."[29]

Related to the interpretation of active and passive law of succession as a fundamental law, the author stated the following: "*This reasoning on the side of jurisprudence raises the necessity for sui generis rules of succession. The preservation of agricultural property (land, agricultural holding) and its operation appropriate to estate policy principles are essential interests of every state. According to these facts West-European countries adopted their special rules of land succession thus ensuring the proper operation and maintenance of agricultural property and the rules of compensation of non-inherit heirs…*"[30]

She also urges the extension of the specific rules of Natura2000 to private properties, because: "*According to the regulation of Natura 2000 areas, environmental protection and nature conservation aspects apply by quantitative and qualitative protection, their guarantee conditions are given and the control procedure is ensured. Such regulation applies to people getting into legal relation with the state in the utilization of state-owned lands and the regulatory conditions of maintaining the protection level are exist. There is no provision for the acquisition of state-owned land and for further sale and utilization of privately-owned land (e.g. leasehold) which would provide a list of requirements for the preservation of nature and the effectiveness of nature conservation asset management. Land use regulation of privately-owned land use was only adopted for grassland (meadow, permanent pasture), such special regulation of other cultivation branch was not adopted and these areas are subject to the general land use regulations.*"[31]

In the aspect of nature conservation nature asset management right situated in the border of private law and public law, *István Olajos* analysed in his second study[32] in 2018 the asset management right connected to Natura2000 areas and interpreted by Csilla Csák.

The author categorically takes a stand on state asset management and land use in private land: "*The interests of the future generation are ensured by not the high level of state land ownership, but the uniform treated private land ownership and land use. The state can protect the interests of future generations, if in case of the change of generations also creates such rules, which contribute to the maintainenance of this unit and the protection of established farm structure. In particular related to the inheritance of the land, it does not allow the division of the established estate body possessed bodies and the breakdown of the usable estate structure. However in order to the aforementioned comes true, not the maintenance of state land management organizations, but the validation of a well designed and consistently used land inheritance system is necessary.*"[33]

[29] Csák 2018, 114.
[30] Csák 2018, 114.
[31] Csák 2018, 117.
[32] Olajos István: The special asset management right of nature conservation areas, the principal of the prohibition of regression and the conflict with the ownership right in connection with the management of state-owned areas, *Journal of Agricultural and Environmental Law*, 2018/25, under publishing
[33] Olajos 2018, under publishing.

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The importance of civil law approach are strenghtened several studies. In the study[34] published by *Ágnes Juhász* and *Réka Pusztahelyi* in 2018, the authors confirmed a constitutive effect entry, the principles of public credentials, the administrative authorities of rectification, the ex officio correction and the contradictions of the supervisory procedure by the cases of the practical usage of GPAP.

They summarized the conclusions of their researches as the following: "*According to our point of view, the expression of 'correction' is not a new procedural form ensuring the possibility for the real estate supervisory authority to correct the obviously false content of the real estate register. However, in the course of our examination, we realized that the provisions on the correction contained by both the HCC and the RER do not cover all cases, when the content of the real estate register does not meet with the fact or it is improper or incorrect. Furthermore, even it is the choice of the legislator to place the correction of the real estate register's content either into the courts' or a certain administrative authority's sphere of authority, we think that the defence of those acquirers, who meanwhile acquired right in good faith and in trust of the content of the real estate register, shall be necessarily taken into regard in every case. As the aspects of the delimitation of the adjustment lawsuit and cancellation lawsuit were evolved in the jurisprudence, the function of these lawsuits and their placing into the sphere of authority of courts instead of administrative authority becomes even clearer. As it can be seen from the above mentioned cases and standing points appearing in the literature, the provisions on the adjustment and cancellation lawsuits cannot be interpreted disregarding the special features of the functioning of the real estate register. Additionally, it can also be stated that the HCC is not able to adopt the rules determining all peculiarities of the authentic register, although it is a code for the private law. The reason of this situation that these rules functions under the omnipotence of the GPAP.*"[35]

The private law aspect is prevailed in the study published by István Olajos and Ágnes Juhász in 2018, wherein they seek to find the question in which cases the land use of public law expectant owner is qualified as legal based on the already concluded but not yet approved assigment of agricultural administrative bodies. Related to the issue, they analized the dynamics of the assignment in the point legal practise, assessing the contradictions of the land transactions rules.[36]

Related to the dynamics of the contract, the authors determined that: *"The expectant, who entered into possession, but not acquired ownership is forward in the priority sequencing the owner, who paid the purchased price and has the right to dispose over property. Thus, except the right to dispose over property, expectant has the right to use and the right of beneficial enjoyment. Moreover, excluding the transmission, expectant can practice the right to dispose over property, since he has the right to vindicate against third persons and this right of him is stranger than*

[34] Juhász Ágnes – Pusztahelyi Réka: Registration of real estates from a civil law viewpoint – civil law effects in the sieve of the official public register, *Journal of Agricultural and Environmental Law*, 2018/24, 61-98, doi: 10.21029/JAEL.2018.24.61.
[35] Juhász – Pusztahelyi 2018, 80.
[36] Juhász Ágnes – Olajos István: The relation between the land use register and the real estate registration proceeding, with regard to the justification of the lawful land use, *Journal of Agricultural and Environmental Law*, 2018/24, 164-193, doi: 10.21029/JAEL.2018.24.164.

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the original owner's. If the share farming contract is valid, all parties nominated in the contract are excluded by the parties, i.e. only the expectant has the right to submit the application for support."[37]

They determined the public law expectancy as the following: "… *the public law expectancy is a prior status, where parties agreed in the transfer of the ownership and the buyer entered into possession, but his acquisition is conditional, since the original document needs to be issued by the approval of the agricultural administrative body. In the case of the 'public law expectancy', the right of use and the right of beneficial enjoyment prevails according to the classical civil law dogmatic, previously analysed by Eörsi. Accordingly, the 'public law expectant' carries the risk of damages and his priority to claim, i.e. the right to vindicate, is stronger compared to the similar right of the seller's.*"[38]

One of the pivotal questions of the research is the settlement of the inheritance of agricultural and forestry lands. In the study published by *Zsófia Hornyák*[39] in 2018, regarding the decisions of Consitutional Court at the end of 2017, she suggests the radical reform of current rules in the spirit of property policy directives and well functioning foreign practices.

The basic of proposal on the reform of intestate succession is the following: "*Regarding the agricultural lands, in case of laying down the specific succession rules, the main objective should be to keep the agricultural land in one hand, preferably in one hand, without the fragmentation of the lands. Thus ideally a successor would be who takes over the land. In the system of legitimate inheritance, the heir should be privileged who is bound to the land.*"[40]

The most important points of the reform on the rules of testamendary succession are the following: "*Related to the testamendary succession, the new Land Transactions Act lays down special provisions, but we are also encouraged to cite it in order that the will of the legator can be applied as well as possible and it nears to the laid suggestions in the field of testamendary succession in the new system outlined by us.*[41] *When developing the new regulation, we must start the fact who was designated by the legator in his/her will and if this person does not meet the conditions for becoming a farmer, then a deadline should be set for him/her to meet these conditions. If the beneficiary undertakes it, the inherited agricultural land should be given to his/her usage with a temporary transfer of inheritance in order that the farming shall be continuous and the land shall be under cultivation until the performance of the conditions for the acquisition of property*".[42]

The criminal law is an unreasonably neglected area of our land-related research. *Bence Udvarhelyi* analyzes the fact of the illegal acquisition of the agricultural and forestry lands in details. Besides the traditional analysis, his study's main issue is the relation between the mentiones ciminal law fact and the relevant acts and why not start procedures who violates the aforementioned fact.

[37] Juhász – Olajos 2018, 176.
[38] Juhász – Olajos 2018, 176.
[39] Hornyák Zsófia: Richtungen für die Fortentwicklungen: Beerbung des Grundstückes, *Journal of Agricultural and Environmental Law*, 2018/25, under publishing.
[40] Hornyák 2018, under publishing.
[41] Hornyák 2018, under publishing.
[42] Hornyák 2018, under publishing.

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Related to the aforementioned question, the answer was determined by the author as the following: "*In the judicial practice several difficulties emerged mainly due to the problem of the adjudication of the nullity of the contracts. The criminal offence remains silence in the question whether the contract in question must be declared null and void by a civil court before the criminal proceedings or the criminal judge is required to adjudicate in this civil law question during the criminal procedure. Both of these solutions would have serious disadvantages. If the nullity of the contract concerned had to be ascertained by a civil court in advance, it would entail the prolongation of the criminal proceedings which would not be in line with the purpose of the legal institution. However, if the nullity of the contract had to be determined in criminal proceedings, the criminal judge should rule on a matter which is far from his jurisdiction, and to which the criminal judges – similarly to the adjudication of the civil law claims – are extremely reluctant.*"[43]

In the summary study[44] of *Ilona Görgényi* on environmental criminal law, she defines the objectives of environmental criminal law as the the legal instrument of legal action, analysis the role of the expectations measures by environmental criminal law in the EU legislation, examines the criminal facts considering the comparative legal aspects and determines the challenges facing this legal area. Among the challenges the following law enforcement and better exploration networks need to be highlighted: "*(a) IMPEL, the Network for the Implementation and Enforcement of EU Environmental Law, (b) ENPE, the European Network of Prosecutors for the Environment, (c) EUFJE, the EU Forum of Judges for the Environment, (d) EnviCrimeNet, the network of police officers focusing on tackling environmental crime. Furthermore the LIFE multiannual work programme was accepted for 2018-2020.*

In the framework of environmental compliance assurance and access to justice the following crimes were underlined in interest of supporting environmental compliance assurance: (a) wildlife trafficking, (b) wildlife and nature crime, including illegal logging, (c) waste crime, (d) water pollution and/or illegal water abstraction, (e) air pollution."[45]

The importance of facts linked to the area and the member states' criminal action is highlighted the analised conclusion in the summary of the study: "*Similarly the UN Comission on Crime Prevention and Criminal Justice resolution encouraged its member states to make illicit trafficking in forest products, including timber, and protected species of wild fauna and flora involving organized criminal groups a serious crime. Placing it on the same level as human trafficking and drug trafficking.*"[46]

As the summary of the research we conclude that among the natural resources the land is an area which effects all major areas of jurisprudence and thanks to its special character, it can contribute to the exploration of a new dimension of scientific research in the area of dogmatics of law, history of law, industrial law, energy law, criminal law and the classic land ransactions' legal boundaries of civil law, public law, european law and international law.

[43] Udvarhelyi Bence: Unlawful acquisition of agricultural and forestry land in the criminal law, *Journal of Agricultural and Environmental Law*, 2018/25, under publishing.
[44] Görgényi Ilona: Protection of the environment through criminal law considering the european standards, *Journal of Agricultural and Environmental Law*, 2018/25, under publishing.
[45] Görgényi 2018, under publishing.
[46] Görgényi 2018, under publishing.

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