



GOVERNING INHERITANCE STATUTES  
AFTER THE ENTRY INTO FORCE  
OF EU SUCCESSION REGULATION

GOINEU



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# Marriage and family in Hungary

## in the light of the application of the Succession Regulation

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# Marriage and family in Hungary

*Marriage is strongly connected to traditions*

It was reinforced in 2012 by the Basic Law

Article L,

‘Hungary shall protect the institution of marriage, the conjugal union of a man and a woman based on voluntary and mutual consent and the family as the basis for survival of the nation. The basis of the family is marriage and parent-child relationship.’

It resulted in the *restriction* of the notion of family and marriage

*Same-sex marriage does not exist in Hungary*



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# Marriage and family in Hungary 2

In Hungary there are *two partnerships* outside marriage  
cohabitation

registered partnership (for same-sex partners)

*Family* cannot be based upon them

But only

upon marriage

upon parent-child relationship



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# Possible consequences on Succession Regulation

Rigid attitude towards same-sex partners and cohabitants

**HOWEVER**

Tolerance towards children

We could identify two fields during our research where family law issues seem to be crucial

*habitual residence*

*public policy*



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# Habitual residence

*In case of the deceased person lived in „two countries”*

- having a legal wife (and children) in one country
- having a girlfriend or living in an invalid marriage in the other country

**Problems of *determination of HR*** (it depends of course on many other circumstances as the assets, employment, rented/owned house/flat, social life etc.)

Is the existence of the valid spouse a main or decisive factor?

What about the children?

## Some experiences



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# Public policy

Public policy *may be referred to* in case of  
forced marriage

children's marriage

**BUT** also same-sex marriage

*Is it possible to qualify same-sex marriage as a  
registered partnership ?*

Or is this attitude an outdated one?

Judges' and notaries' reactions

Academics' reactions

Doubts on application of law

**However – *Charter of Fundamental Rights of the EU!***



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***Thank you for your attention!***



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