

## BUDAPEST COMPARATIVE LAW SEMINARS

Chair: Prof. Dr. András Osztovits

FORTHCOMING EVENT



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## THE CONCEPT OF RULE OF LAW – JUST A POLITICAL IDEAL OR A BINDING PRINCIPLE?

## **Abstract**

The concept of rule of law has raised questions, whether it lacks precision in a sense that it can't be used as a legal argument at all. One may claim that rule of law is just a rhetorical balloon, which does not mean anything special. Or one may claim that it means merely that laws must be obeyed. However, I will show how the principle of rule of law in not merely the same as principle of legality in the EU law context. The so-called check list of the Venice commission is merely one example, how to distinguish various elements of the rule of law. I'll try to show that both rule of law and legal certainty can be divided into sub-principles, which have a more specific scope of application that the underlying principle of rule of law. The Court of Justice of the European Union has adopted a similar approach to describe and define rule of law as a normative principle. Thus, I will claim that rule of law is not just an ideal, but it is legally binding underlying principle mentioned in Article 2 TEU. It is both normative and cultural principle, which is deeply connected to the Western legal systems, not only to EU law.

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