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Imperfecta legal persons in Hungarian private law

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Comparative Private Law Research Workshop

Criteria of a legal person

- Separate property
- Independent financial responsibility
- Permanent organization
- State recognition
- Own name
- Articulation of will by a natural person
- Independence from the founders
- Lasting, prolonged existence

Type constraint in the Hungarian Civil Code

Society (Association)

Business associations (general and limited partnerships, limited liability company, joint stock company: private and public companies limited by shares)

Cooperative

Association (Grouping)

Foundation

Applicability of the rules of legal persons of Hungarian Civil Code

Classification of legal persons

Legal persons

Private law

Partnerships

Companies

Cooperative

Association

Society

Foundation

Public law

State

Local government

Municipal association

Budget body

Legal person of public law

Issue of legal capacity and legal personality

Special category of legal entities (?)

Anomalies:

- applicability of private law norms
- private law legal personality of public law legal persons, example of the Hungarian parliament

Compliance of criteria of legal persons in private law

Problems with general and limited partnerships

Property and liability at association (grouping)

Legal relationship between the society and its members

Exceptions to the principle of ownership separation: general and special responsibility corrections

Lack of complete compliance

Summary thoughts

Heterogeneous collective term

Unlimited legal entity category

Separation of legal technical qualification and of the content of internal-external legal relations

Solution: complex legal entity / complex legal personality / legal personality above branches of law (?)

Thank you for your attention