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Constitutional courts are immensely powerful institutions. They have the right to overrule the government, popular will, embodied in the decisions of the lower judicial electoral tribunals. They might review political decisions. They might decide in conflicts of interests. They can give orders to the individuals, and the head of state, to political parties and thus present social implications.

Constitutional courts are weak and visible institutions. They cannot directly enforce their decisions despite that they are obligatory. Political criticism may be given and against the courts when they deliver decisions, not appreciated by the politicians. These attacks might serve as far as to amend the composition of the composition of the Court, or even to abolish it. The basic source of the controversial position of constitutional courts, powerful and weak at the same time, originates in the inherent tension of judicial order – efficient between popular will and rule of law.

It is particularly risky to introduce a powerful non-partisan institution controlling popular will at a time when a political community requires its independence and self-government, however, this happened twenty years ago in Hungary, and afterwards in all former countries of the region.

In 1989, Hungary and other East European countries entered a new period in history. The political transition to democracy and free market proved to be a very difficult, complex, and uncertain aspect an inexperienced task. The history of the twentieth century gave numerous examples for the transition from a totalitarian political regime to democratic ones, including examples such as Germany, Italy, or Spain. The Hungarian transition to democracy is peculiar. Whereas the Constitutional Court also played an important role in the making of the new legal system. The Act No. XXXII of 1989 on the Constitutional Court was passed in October 1989, and the new members of the Constitutional Court were elected in January 1990. The new members of the Constitutional Court were elected in January 1990, and the new members of the Constitutional Court were elected in January 1990.

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