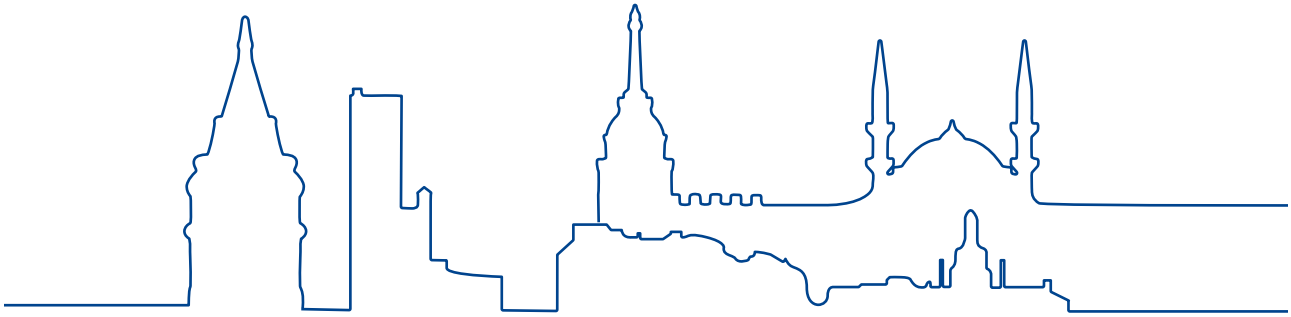


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POLITICAL ENGINEERING THROUGH LAW: HUNGARY AND BEYOND

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1. Introduction

It is often assumed that autocratic leaders view the rule of law primarily as an impediment—a system of constraints they must circumvent or dismantle to exercise unrestrained power. In this conventional understanding, authoritarian regimes are either seen as outright lawless or as possessing legal systems that are fundamentally devoid of societal or normative value.[1] However, empirical cases such as Hungary and Turkey challenge this assumption, revealing a more complex and strategically calculated relationship between authoritarian governance and law. Rather than abandoning legality, contemporary autocratic leaders have become increasingly adept at appropriating legal norms, institutions, and discourses as tools for consolidating power and legitimizing their rule. Far from being incidental, this performance of legality serves both domestic and international functions: it sustains the appearance of constitutional governance, placates international critics, and bolsters regime legitimacy among domestic audiences.[2]

The autocrats of the 21st century do not simply rule in defiance of law; they rule through law. They actively reshape legal and constitutional frameworks to entrench executive authority while maintaining the façade of formal legality. This paradoxical dynamic has been described in the literature as "autocratic legalism"[3] or "illiberal legality,"[4] where the law is no longer a check on power but a flexible instrument of its exercise. Legal systems in such regimes are not eradicated; rather, they are transformed into mechanisms of political domination, preserving procedural regularity while hollowing out substantive democratic guarantees.

A key mechanism in this process is the construction of modular emergency regimes—a concept I have previously developed to describe hybrid legal orders that fuse ordinary legal governance with the logics of emergency rule.[5] These regimes possess two defining characteristics: first, they blur the distinction between the normal and the exceptional, thereby normalizing the use of extraordinary executive powers; second,

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they evolve into enduring frameworks of governance rather than remaining temporary responses to crises. The modularity of these regimes permits the simultaneous or interchangeable use of emergency decrees, special legal provisions, and regular legislation, producing a flexible legal environment in which executive discretion can be both formally legal and substantively authoritarian. As Mehozay observes, coexisting regular and exceptional legal mechanisms often "compensate for each other's weaknesses and together construct a stable political regime."[6]

Crucially, modular emergency regimes are more palatable to international and domestic observers because they do not entail wholesale suspensions of constitutional/legal order. Instead, they repackage emergency rule within the language and practices of legality. In Hungary, for instance, the parliament passed a law on March 30, 2020, granting the Orbán government indefinite power to rule by decree in response to the COVID-19 pandemic. This move marked the institutionalization of emergency governance, later reinforced by the adoption of a "special legal order" in May 2022, ostensibly necessitated by the Russian invasion of Ukraine. Similarly, Turkey's current presidential system exemplifies modular emergency governance, wherein the president exercises exceptional powers through both ordinary legislative tools and recurring use of emergency decrees.

These developments are not isolated; rather, they reflect a broader global trend in which states increasingly resort to emergency legislation to address a wide array of issues, ranging from public health crises and natural disasters to internal unrest and geopolitical conflict. This tendency has contributed to the progressive erosion of the boundary between normalcy and exception, a phenomenon now observable across a diverse spectrum of political regimes—from consolidated democracies to hybrid and authoritarian systems. Importantly, there is a strong, albeit underexplored, correlation between the global rise of populist or autocratic regimes and the normalization of emergency measures. This pattern is evident not only in established democracies like the United States, but also in hybrid or fragile democracies such as India, Hungary, and Turkey.

In political contexts marked by the rise of populist discourse and autocratic tendencies, governments tend to rely more heavily on emergency legislation that grants exceptionally broad powers to the executive. Such regimes often establish special legal orders that allow the executive to fluidly alternate between normal and emergency modes of governance. Despite these expansive and discretionary powers, such governments often maintain a veneer of legality and preserve a degree of legitimacy as rule-of-law regimes. Hence, a growing body of scholarship has turned its attention to the legal strategies autocrats use to entrench their power. Ginsburg and Moustafa underscore the calculated use of courts as instruments of authoritarian governance,[7] while Chen and Fu observe that in many authoritarian regimes, legality is regarded "as a mere tool to strengthen authoritarian rule."[8] In such contexts, the objective is not to dismantle the legal system but to reshape it—substituting liberal/democratic legal norms with an authoritarian legality designed to consolidate control, reward loyalty, and suppress dissent.

Hungary and Turkey stand out as prominent cases where authoritarian consolidation has proceeded through the strategic deployment of law and legal institutions. This process involves not only the enactment of new, often ambiguously worded legislation, but also the creation of novel criminal categories, the politicization of judicial appointments, the restructuring of constitutional review mechanisms, and the selective enforcement of legal norms to reward loyalists and penalize dissenters. As Bugaric observes in the Hungarian context, the legal system has been deliberately reconfigured to ensure "the institutional dominance of the ruling party under the cloak of legality."[9] In such settings, the liberal principle of the rule of law is replaced by rule by law—a concept well established in the literature[10]—where law serves not to limit power but to legitimize its arbitrary exercise. These legal maneuvers are often justified through a discourse of legality grounded in the constant and ritualistic invocation of two themes: the neutrality of law and the independence of the judiciary. Yet, in practice, both function as rhetorical devices rather than substantiated realities.

While the rise of modular authoritarian regimes is a global phenomenon, this study concentrates on Hungary as a paradigmatic case of this legal/political configuration. It identifies the juridical strategies employed by the Orbán regime to stabilize modular emergency rule and to effectuate the juridification of politics. These strategies include:

- the frequent use of accelerated legislative procedures and omnibus laws;
- the arbitrary and politicized enforcement of legal norms;
- the restructuring of legal and constitutional institutions to weaken oversight;
- the instrumental use of legal ambiguity;
- and the punitive use of law against opponents, juxtaposed with legal protections and incentives for loyalists.

Against this backdrop, this article proceeds as follows. The second section offers a historical overview of Hungary's post-Cold War democratic trajectory and its subsequent authoritarian transformation under Fidesz-Hungarian Civic Alliance (*Fidesz – Magyar Polgári Szövetség)* rule since 2010. The third section examines the legal strategies through which the Orbán government has institutionalized autocratic legalism and constructed a modular emergency regime. It also highlights the deployment of similar legal tactics by autocratic leaders in other national contexts. The concluding section, drawing comparative insights from the Turkish case, considers the broader implications of modular autocratic legality for the study of authoritarianism and the rule of law.

Alongside a wide range of secondary sources—including academic articles, book chapters, and NGO and think tank reports—this study also draws on eight in-depth interviews conducted by the author with academics, jurists, and civil society activists in Budapest in December 2023. The names and institutional affiliations of the interviewees have been anonymized in accordance with their request.

2. Background: From Democratic Consolidation to Legal Autocracy

Hungary's post-communist transformation was initially heralded as one of the most successful examples of democratic consolidation in Central and Eastern Europe. Following the peaceful transition from a one-party socialist regime in 1989–1990, Hungary adopted a constitutional framework rooted in liberal democratic principles, including multiparty competition, judicial independence, and a strong commitment to the rule of law. The re-establishment of parliamentary democracy was accompanied by the creation of new institutions designed to safeguard liberal democracy and prevent authoritarian backsliding. Despite some of its shortcomings, the 1989 Hungarian Constitution contained extensive checks and balances, including a wide range of independent institutions designed to ensure accountability.[11] Notably, Hungary introduced the office of the ombudsman to protect individual rights and established a remarkably active Constitutional Court, endowed with extensive powers even by international standards. These developments were complemented by the emergence of a pluralistic media landscape, further reinforcing the country's democratic credentials in the early post-transition period.[12]

Throughout the 1990s and early 2000s, successive governments—alternating between conservative and social-democratic coalitions—upheld democratic norms and steered the country toward integration with Euro-Atlantic institutions. Hungary's accession to the European Union in 2004 was widely perceived as the symbolic culmination of this trajectory. Democratic institutions appeared to be stable, and the country was often cited as a model of successful democratization within the post-Soviet space.

This apparent consolidation, however, proved more fragile than initially assumed. The 2010 electoral victory of Viktor Orbán's Fidesz party marked a critical turning point for the political trajectory of Hungary. In alliance with the ultra-right Christian Democratic People's Party (*Kereszténydemokrata Néppárt, KDNP),* Fidesz secured a two-thirds super-majority in the parliament and launched an ambitious and far-reaching project of

political, legal, and constitutional transformation. Owing to the particular features of the Hungarian electoral system, Fidesz has secured a two-thirds super-majority in the parliament with approximately 50% of the popular vote in every election since 2010. This super-majority "allowed it to amend any law as it saw fit."[13]

Unlike its predecessors, the Orbán administration did not merely seek to govern within the existing institutional framework but instead embarked on a comprehensive re-engineering of Hungary's constitutional, legal, and political order. One of the government's first actions upon taking office was to introduce twelve amendments to the 1989 Constitution "changing more than 50 separate provisions along the way."[14] Passed at a rapid pace, these amendments profoundly reshaped Hungary's institutional landscape. The nomination process for the Constitutional Court judges was revised to secure Fidesz-KDNP dominance. The number of judges was increased from 11 to 15, and the court's powers were significantly curtailed. Additionally, the amendments provided a legal basis for the nationalization of local government assets.[15]

In addition to consolidating control over the formal levers of political power, Fidesz placed significant emphasis on capturing and managing informal channels of influence. Central to this strategy was the construction of a powerful pro-government media ecosystem, which enabled the party to dominate Hungary's media landscape and shape public discourse in its favor.[16] The Orbán government also cultivated extensive networks of NGOs, think tanks, and scientific and cultural institutions, embedding pro-government narratives across key segments of civil society.[17] These so-called "pseudo-civic organizations" not only mimicked the structures of independent civil society but also played a performative role in legitimizing government policies to the broader public.[18]

According to one interviewee, the Orbán regime is engaged in a "culture war" aimed at reshaping Hungary's intellectual and ideological landscape by building a new national-conservative elite, particularly targeting high school and university students.[19] Simultaneously, the government channeled public financial resources to entrepreneurs closely aligned with the ruling party, thereby constructing a clientelist economic elite whose material interests are tightly bound to the regime's continued dominance.[20] Taken together, these strategies have enabled Fidesz to consolidate a hegemonic position that extends far beyond the formal machinery of the state, entrenching its influence across the political, social, and economic fabric of Hungarian society.

Yet, the Orbán government did not regard these institutional changes and constitutional amendments as sufficient. Relying on its parliamentary supermajority in alliance with the KDNP, it adopted a new constitution—the Fundamental Law of Hungary—on April 25, 2011, which came into force on January 1, 2012. This was followed by the enactment of over 30 cardinal laws, requiring a two-thirds majority to adopt or amend. These laws played a crucial role in consolidating the ruling coalition's power by locking in core policy preferences and limiting the ability of future governments to reverse them without a similar super-majority.[21] Cardinal laws were used to reshape the electoral system by introducing a majoritarian tilt: single-member districts were redrawn to favor Fidesz, and the number of parliamentary seats was drastically reduced, a move widely seen as gerrymandering in practice.[22]

As observed in many autocratizing states, the autonomy of key institutions was curtailed through such measures as extending the mandates of loyal officeholders and modifying appointment procedures. For instance, the Media Council was packed with Fidesz allies appointed for nine-year terms under a cardinal law, thereby ensuring long-term political control over public and private media.[23] Similarly, the Budgetary Council was granted veto power over the annual budget, and its members were appointed by the ruling majority, reinforcing fiscal constraints on any future opposition government.[24]

Through time, Hungarian politics became increasingly polarized, a development that contributed to the gradual "presidentialization" of the parliamentary system. This process was further consolidated by Orbán's characterization of Hungary as an "illiberal state."[25] As aptly put by Pokornyi and

Sághy, Orban constructed his regime of illiberal democracy "by weakening the rule of law, neutralizing both the instruments and institutions of the system of checks and balances, marginalizing the political opposition and ramping up polarization."[26] These policies, coupled with a rhetoric of national unification were frequently framed by Fidesz as part of a sovereign constitutional renewal. As such, rather than abandoning legality, the Orbán government strategically repurposed it—employing legal reform as a mechanism to entrench political dominance, suppress dissent, and insulate the regime from domestic and international scrutiny. This evolution from liberal democracy to what scholars have termed "legal autocracy" or "autocratic legalism" does not signify the abandonment of the rule of law per se but rather its transformation into an instrument of authoritarian consolidation.[27]

The subsequent sections of this study examine these dynamics of legal activism in greater depth. Particular emphasis is placed on the diverse legal strategies deployed by successive Orbán governments, which have resulted in the progressive juridification of politics and the instrumentalization of law as a means of consolidating executive control.

3. Legal Strategies for Consolidating Executive Control

3.1. Constitutional Overhaul and Legal Engineering

The adoption of the new Fundamental Law in 2011 marked a critical juncture in Orbán's legalist strategy. Unilaterally drafted by the Fidesz supermajority without meaningful public consultation or opposition involvement, the entire process was rushed and concluded without even considering a public referendum to ratify the final text.[28] The new constitution institutionalized a vision of national conservatism while simultaneously entrenching the long-term political dominance of the ruling party.[29] Its preamble, titled the National Avowal, explicitly anchored the Hungarian state in Christian and nationalist values, thereby marginalizing alternative ideological frameworks and narrowing the space for pluralistic constitutional interpretation.

More significantly for the purposes of this study, the adoption of the Fundamental Law in 2011 inaugurated a new era of constitutional and legal activism under successive Orbán governments. As of July 2025, the Fundamental Law has been amended 15 times, accompanied by sweeping legislative overhauls and an expanding body of emergency decrees. By mid-2022, the constitution had already undergone ten amendments, with the 11th through 15th amendments adopted in the years that followed.[30] While it is difficult even for legal experts to determine a precise count of how many individual constitutional articles have been altered, the Fourth Amendment alone modified 27 articles, added a new Article U, and significantly revised the closing provisions of the constitution.[31]

Similarly, in Turkey, the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) has sponsored a total of 12 constitutional amendment packages, three of which were adopted through referenda.[32] These amendments have affected 134 out of the 177 articles of the 1982 Constitution. Among these changes, one of the most consequential was the transformation of Turkey's political system. In April 2017, amid the ongoing state of emergency, a constitutional referendum was held to replace the parliamentary system with an executive presidency. This shift significantly altered the balance of power in favor of the presidency, weakening parliamentary oversight and judicial independence. Currently, the AKP government is prioritizing the drafting of a new constitution, ostensibly with the aim of enabling President Erdoğan's reelection by resetting the term limits imposed under the existing constitutional framework.

A parallel strategy can be observed in Russia. As President Vladimir Putin approached the end of his second consecutive term (and fourth overall) in 2024, the Russian Constitution barred him from seeking another. Rather than overtly violating this constraint, Putin initiated a sweeping constitutional reform in early 2020. This omnibus reform package bundled together a wide array of amendments, including populist provisions such as pension guarantees and references to "faith in God," alongside nationalist and conservative measures such as the prohibition of same-sex

marriage. Hidden among these revisions was a pivotal clause "resetting" presidential term limits to zero, effectively allowing Putin to run for two additional terms and potentially remain in power until 2036.[33] The State Duma, dominated by the ruling party, swiftly approved the package, which was subsequently subjected to a nationwide plebiscite. Although the vote had no binding legal force, it was instrumental in manufacturing public legitimacy. This maneuver not only exemplifies the use of constitutional manipulation to entrench executive power but also serves as a clear case of omnibus legislation—a technique discussed further below.

Turning to Hungary, the sustained pace of constitutional modification highlights the ongoing legal/constitutional activism that has come to define the Orbán era, reinforcing executive dominance through persistent and ideologically guided structural revisions. To further illustrate this trend, the number of laws adopted annually in Hungary remained relatively stable between 1990 and 2010, typically ranging between 400 and 600 legislative acts per year.[34] However, following Fidesz's return to power in 2010, legislative activity increased dramatically, with the number of enacted laws exceeding 850 annually during the first phase of Hungary's self-described "illiberal democracy" (2010–2014). According to Scheppele, during the first 18 months of the Fidesz government, 359 new laws were adopted—many of them drafted entirely from scratch—leading to a fundamental transformation of the legal framework.[35]

Although the foundational pillars of the new regime were largely established during this initial term—leading to a relative deceleration in legislative activity after the 2014 elections—the volume of legislation has remained exceptionally high, consistently exceeding 700 laws per year.[36] Through this relentless legal production, successive Orbán governments have systematically reconfigured the legal, institutional, and political landscape of Hungary. Nearly every aspect of public life—ranging from media regulation and judicial governance to education, culture, and civil society—has been subject to legal redesign. In this context, law has ceased to function as a neutral framework for democratic governance and has instead become a central instrument for remaking society.

3.2. Use of Omnibus Laws and Accelerated Legislative Procedures

The strategic use of omnibus laws and accelerated legislative procedures has become a common and increasingly fashionable tactic among legalist autocrats. This approach—frequently and effectively employed by Turkish governments, as well—offers several advantages for authoritarian incumbents. Chief among them is the ability to stifle public debate and limit scrutiny, as bundling hundreds of legal provisions into a single legislative package makes it exceedingly difficult for opposition actors, civil society, and the broader public to identify, understand, or contest specific measures. By obscuring controversial provisions within dense and wide-ranging legislative texts, these techniques serve to undermine transparency, weaken democratic oversight, and facilitate the entrenchment of executive dominance under the guise of legal procedure.

A striking example of accelerated legislation in Hungary is the use of the so-called "one-day procedure," which allows the government to pass laws within a single day—an extraordinary measure that deviates from the norms of legislative practice in consolidated democracies.[37] While formal parliamentary procedures are technically followed, the process is highly restricted. The members of the parliament are not permitted to propose amendments, effectively sidelining deliberation and opposition input.

In the course of this relentless legal activism, the Hungarian parliament began to function predominantly as a "law factory,"[38] while its capacity to exercise meaningful oversight over the executive branch was steadily undermined. Legislative processes were increasingly characterized by haste and opacity, as the government flooded the parliamentary agenda with a volume of major legislative proposals that made informed scrutiny virtually impossible. At times, the pace of lawmaking was so extreme that even members of the

governing party, who reliably supported these bills, could scarcely comprehend the substance of the legislation on which they voted.[39] In the final weeks of parliamentary sessions, it became routine for the legislature to meet late into the night, enacting several far-reaching laws in a single sitting. These sessions frequently involved last-minute amendments of significant consequence, which were neither publicly scrutinized nor meaningfully debated. In many cases, the actual content of the laws remained unclear even at the moment of their adoption, reducing the legislative process to a formal exercise in rubber-stamping the executive's will.[40] Similar to Fidesz, PiS in Poland also employed accelerated legislative procedures and extraordinary parliamentary sessions (e.g., late-night sittings during holidays) to push through controversial judicial reforms.

In response to the sheer volume of legislation it sought to enact, the Orbán government devised yet another mechanism of accelerated law-making—one that could well serve as a model for other autocratic legalists. On December 30, 2011, Fidesz deputies voted to amend the parliamentary rules of procedure. Under this new provision, if two-thirds of the deputies agreed, a bill could move directly from its introduction to a final vote, entirely bypassing parliamentary debate.[41] Another key strategy employed by the Orbán government to restrict public debate and neutralize opposition oversight has been the frequent use of omnibus legislation—large legislative packages bundling together numerous, often unrelated legal changes. This technique allows contentious measures to be embedded in broader bills, attracting less public scrutiny to individual components and forcing members of parliament to vote on the package as a whole. As a result, it becomes exceedingly difficult for opposition parties, legal experts, and civil society watchdogs to examine specific provisions or mobilize resistance against them. In Hungary, the proportion of laws passed as omnibus bills increased significantly under Orbán's rule. By one estimate, nearly one-third of all laws enacted in the 2010–2014 term were omnibus bills; this share rose to over 35% in the 2014–2018 period and reached nearly 50% between 2018 and 2020.[42]

Combined with accelerated legislative procedures and severely restricted parliamentary debate, omnibus bills serve to overwhelm legal and civil society oversight, curtail meaningful deliberation, and enable the rapid restructuring of key state institutions.[43] By moving faster than the opposition or civil society could react, Fidesz implemented systemic changes before any organized resistance could materialize. A striking example of this approach was the 2019 so-called "salad law" (*salátatörvény*), an omnibus bill that amended more than a dozen unrelated pieces of legislation in a single package. Among its provisions were significant changes to the functioning of municipal governments, modifications to tax regulations, and reforms to the judicial system—each of which would typically warrant extensive debate and scrutiny on its own. Yet, the bill was passed within days of its introduction, with minimal public consultation and little meaningful parliamentary debate.[44]

Omnibus legislation has also been a recurring instrument in Turkey's autocratization process. Successive governments led by the AKP have routinely introduced omnibus laws (*torba yasalar)*—legislative packages that bundle together numerous, often unrelated provisions. These bills frequently combine ostensibly progressive measures with provisions that serve narrow partisan or clientelist interests, such as granting amnesties or offering regulatory advantages to pro-government business actors. By embedding controversial or opaque clauses within broader legislative packages, the government not only reduces public scrutiny but also constrains parliamentary oversight, as lawmakers are compelled to vote on the entire package rather than on individual provisions. These legislative practices—particularly the use of omnibus bills, fast-tracked procedures, and the systematic marginalization of meaningful parliamentary debate—highlight how formal democratic mechanisms can be manipulated to produce substantively autocratic outcomes. As in other hybrid regimes, procedural legality in Turkey increasingly serves as a façade for illiberal governance.

3.3. Restructuring Legal Institutions

Restructuring existing institutions or creating new ones has long been a central feature of the Orbán government's approach to law-making and constitutional revision.[45] Armed with a two-thirds parliamentary majority, Fidesz has demonstrated little restraint in reshaping institutional frameworks to serve its political agenda, often through changes to eligibility requirements, appointment procedures, and the mandates of leadership roles within the judiciary, regulatory bodies, and parliamentary committees.[46] Importantly, this strategy of institutional transformation has not been limited to the legal and political realms. As multiple accounts suggest, it has also extended into cultural and educational domains, where the government has actively intervened to reconfigure structures and assert ideological control.

Upon taking office, one of the Orbán administration's first actions was to restructure the judiciary in ways that significantly undermined its independence and autonomy. The retirement age for judges was abruptly lowered from 70 to 62, resulting in the removal of a substantial number of senior judges—many of whom were subsequently replaced by individuals closely aligned with Fidesz.[47] In a similar vein, the newly established National Judicial Office (NJO)—created by cardinal law—was granted sweeping powers over judicial appointments and court administration, including the authority to retire sitting judges and appoint new ones. Whereas lower court judges were previously selected by panels of their peers, the new system vested the president of the NJO with far-reaching authority: appointing new judges, promoting and demoting judges, initiating disciplinary proceedings, and selecting the leadership of all courts.[48] This large-scale replacement of sitting judges and the subsequent reshaping of the composition of the court allowed the Orbán government to reconfigure the institutional landscape of the judiciary.[49] Some interviewees also emphasized that the Fidesz governments have strategically amended legislation to facilitate the appointment of loyal individuals to key positions—most notably in the case of the president of the Curia (*Kúria),* Hungary's highest judicial authority, equivalent to a Supreme Court in many other countries.[50]

Judicial independence was further eroded by additional reforms: changes to the selection process for the Constitutional Court judges, the lowering of the judicial retirement age—a measure later ruled unlawful by the Court of Justice of the European Union[51]—and the creation of new judicial bodies such as the Administrative High Court, whose leadership and composition were dominated by government loyalists. Moreover, the office of the Prosecutor General—an institution critical to initiating corruption investigations—remained under the control of a close Orbán ally. This arrangement has ensured de facto impunity for members of the ruling elite. Such developments exemplify what Ginsburg and Moustafa describe as "selective legality," whereby judicial institutions are instrumentalized to shield political allies while targeting opponents.[52]

When existing institutions resisted alignment with government priorities or proved difficult to co-opt, the Orbán leadership established new state-funded bodies to bypass them—effectively creating parallel institutions more responsive to the government's agenda.[53] In this regard, several new institutions were set up, including the Budget Council, the State Audit Office, and the Public Prosecutor's Office. These bodies, now largely staffed by Fidesz loyalists, are endowed with significant powers—such as the ability to veto key parliamentary decisions, investigate government actions, and assign cases within the judiciary—and their members typically serve long terms ranging from six to twelve years.[54]

Furthermore, as in the case of the NJO, where the president is appointed for a nine-year term, the heads of newly established institutions are often granted similarly extended tenures. When the NJO president's term expires, a successor can be appointed only with a two-thirds parliamentary majority.[55] Similarly, the Public Prosecutor, who was vested with new and sweeping powers—including the authority to assign "any criminal case to a court of his choosing"[56]—is appointed for a nine-year term by a two-thirds majority in the parliament. Given the parliamentary majority of the Fidesz-led governments, replacing the heads of these regulatory institutions remains politically

unfeasible for the opposition, while the long terms of office ensure institutional continuity under Orbán's partisan control. Extended tenures also mean that, even if another political party comes to power, these institutions—still headed by Fidesz loyalists—may function as de facto veto players.[57]

In the case of Poland, immediately after winning the 2015 elections, PiS moved to seize control of the Constitutional Tribunal. The outgoing parliament had already appointed several judges to fill imminent vacancies, but PiS declared these appointments invalid and installed its own nominees. In December 2015, the PiS-dominated legislature passed a law requiring a two-thirds majority and a quorum of 13 out of 15 judges for the tribunal to issue rulings—a clear attempt to paralyze the Court or force the inclusion of illegitimate appointees. When the Tribunal struck down this law as unconstitutional, the PiS government simply refused to publish the ruling, rendering it legally ineffective.[58]

By mid-2016, PiS had effectively captured the Constitutional Tribunal. With a PiS-appointed president and a compliant majority on the bench, the court ceased functioning as an independent veto player. In tandem, PiS targeted the broader judiciary. Between 2016 and 2018, it enacted laws allowing parliament (dominated by PiS) to appoint members of the National Council of the Judiciary (KRS), the body responsible for judicial appointments and discipline—replacing the former system where judges elected their peers. A 2018 law on the Supreme Court forcibly retired nearly 40% of justices by lowering the retirement age, and a new Disciplinary Chamber, staffed by government loyalists, was created to monitor and punish dissenting judges. Further tightening control, the so-called "muzzle law" of 2019 made it a disciplinary offense for judges to question the legality of judicial appointments or speak out against the government's reforms. By 2020, over a thousand judges had been subjected to disciplinary proceedings. These developments—particularly the selective application of law and instrumental use of disciplinary mechanisms—illustrate the same logic of autocratic legalism observed in Hungary and many other cases.

3.4. The Curtailment of Constitutional Courts' Jurisdiction and Autonomy

Autocratic legalists often view constitutional courts as institutional obstacles to executive dominance. Empowered to review and constrain the legality of governmental actions, these courts are deemed functioning as potential veto players against the executive. As a result, authoritarian regimes frequently devote considerable effort to weakening their authority, curbing their independence, and reshaping their composition. In cases where judicial rulings conflict with governmental objectives, such regimes may choose to ignore, undermine, or directly violate constitutional court decisions—a pattern particularly evident in Turkey.

The Orbán governments in Hungary provide a clear example of this pattern as well. Through a series of constitutional amendments and legal reforms, successive Fidesz-led administrations systematically weakened the Constitutional Court, which had once served as a powerful intermediary institution in the post-1989 constitutional order.[59] The 1989 Hungarian Constitution established a robust system of checks and balances, including a strong Constitutional Court and a wide array of independent institutions designed to uphold transparency and executive accountability.[60] However, under the cloak of constitutional renewal, the Orbán governments have effectively dismantled many of these mechanisms, contributing to the erosion of judicial independence and the consolidation of executive power—developments that are emblematic of the broader trend of "rule by law" observed in hybrid or authoritarian regimes.

A key strategy employed by the Orbán government to curtail the autonomy of the Constitutional Court has been the deliberate restructuring of both its composition and jurisdiction. On March 11, 2013, the Hungarian Parliament—under the leadership of Fidesz—adopted the Fourth Amendment to the 2011 Fundamental Law, itself drafted by the Orbán administration. Among the most consequential changes introduced by this amendment were those affecting Articles 12 and 19, which, as Bugaric observes, "drastically limit the jurisdiction

of the Constitutional Court."[61] One particularly significant provision annulled all Constitutional Court decisions issued prior to January 1, 2012—the date on which the new constitution came into force. As a result, the court's pre-2012 jurisprudence lost its legal validity and could no longer be cited in future cases brought under the new constitutional framework.[62]

A second major reform significantly curtailed the Constitutional Court's authority by prohibiting it from reviewing constitutional amendments for their substantive compatibility with fundamental constitutional principles. From that point onward, the court's oversight was limited strictly to procedural matters, effectively depriving it of its role as the substantive guardian of the constitutional order.[63] Under the 1989 Constitution, Hungary had an unusually open system of constitutional review by European standards, allowing *actio popularis*—a mechanism through which any individual could petition the Constitutional Court to challenge the constitutionality of legislation. This broad access to constitutional justice had become one of the most effective instruments for holding the government accountable to constitutional norms. However, the new constitution abolished *actio popularis,* thereby restricting access to the court and narrowing the scope of constitutional review.[64]

The capacity for abstract constitutional review was further constrained by limiting the range of actors entitled to initiate such proceedings. The new constitution stipulates that a motion for abstract review must be supported by at least 25% of the members of the parliament. Given the sharp political divisions and fragmentation within the opposition, it is highly improbable that such a threshold could be met in practice, rendering this mechanism largely ineffective as a check on legislative power.[65] In addition, the Fidesz government curtailed the court's jurisdiction over budgetary matters. Under these restrictions, the court may no longer assess the constitutionality of laws concerning the budget or taxation, except in cases where such laws infringe upon certain core rights that are considered difficult to override through fiscal measures—namely, the rights to life, human dignity, the protection of personal data, freedom of thought, conscience and religion, and citizenship.[66]

The fourth amendment to the Fundamental Law further consolidated the weakening of the Constitutional Court. It increased the number of judges on the court from 11 to 15 as part of the government's broader strategy to consolidate control over the Constitutional Court. Moreover, it altered the appointment process: under the new rules, judges could be appointed solely by the ruling party, without the need for consent or participation from the opposition.[67] This shift eliminated the requirement for cross-party consensus and entrenched one-party dominance over the judiciary. Simultaneously, the government raised the retirement age for judges, enabling pro-government appointees to remain in office for longer terms, further consolidating partisan control over the court.

Taken together, these measures have significantly undermined the independence of the Constitutional Court, which is now "populated by Orbán loyalists."[68] and reinforced the executive's control over constitutional oversight. By reshaping the court's composition and powers through ostensibly legal mechanisms, the Orbán government preserved the formal architecture of constitutional review while hollowing out its critical functions—fully in line with the broader logic of autocratic legalism. As a result, although the court formally continues to exist "it has now largely disappeared from the political landscape."[69]

3.5. Strategic Legal Ambiguity

Hungarian legislation frequently employs ambiguous and discretionary language, drawing on abstract and ideologically charged concepts such as national interest, sovereignty, moral grounds, and foreign influence. These vague formulations serve as instruments of legal uncertainty, enabling the government to target civil society organizations, independent media outlets, and political opponents through retroactive legal measures, asset seizures, and arbitrary enforcement practices.[70] As Interviewee 3 explains, this phenomenon of "intentional vagueness" is

not a permanent or uniform feature of the legal system, but rather a strategic choice, deployed selectively according to the prevailing political context and the regime's objectives. By deliberately crafting legal texts with imprecise language, the ruling elite preserves the veneer of legality and institutional normalcy, while simultaneously undermining predictability, legal certainty, and equality before the law. As Interviewees 7 and 8 observe, this calculated ambiguity constitutes a conscious strategy, granting the regime broad discretionary power in both interpretation and enforcement. In practice, it allows legal provisions to be retroactively applied and selectively mobilized, targeting specific individuals, organizations, or sectors as needed—thus reinforcing executive dominance while maintaining the façade of rule-based governance.

This strategy is particularly visible in the creation of new institutional mechanisms. A striking example is the Sovereignty Protection Office (SPO), established in early 2023 through the Sovereignty Protection Act, adopted in December 2022. As Interviewee 3 remarks, "everything is related to sovereignty, which is an umbrella—an ambiguous one—so that they can make up rules." The SPO is tasked with monitoring and investigating alleged foreign influence in Hungarian public life, including NGOs, media, political parties, and individuals.[71] The law authorizes the SPO to collect data and documents—including electronic communications—from public and private actors suspected of endangering national sovereignty. It is also mandated to produce "threat assessments" and publish annual reports, which may stigmatize those deemed hostile to state interests.

The law establishing the SPO is characterized by highly ambiguous and ill-defined terms such as foreign funding, foreign interference, lobbying, and disinformation. As noted by the Venice Commission, the legislation grants the SPO "extremely broad and vaguely defined powers," while offering inadequate safeguards for institutional independence, due process, and judicial oversight.[72] Multiple interviewees expressed concern that the SPO is merely the latest and most forceful instrument in a broader legal strategy that began around 2017, aimed at delegitimizing and incapacitating human rights organizations—especially those receiving foreign funds.[73] The strategic deployment of legal ambiguity, particularly in laws targeting civil society and political pluralism, is a hallmark of autocratic legalism in contemporary Hungary. Far from being mere technical flaws or legislative accidents, these vague and discretionary provisions serve as intentional instruments of political control. They allow the government to weaponize legality against perceived enemies while avoiding overt violations of formal democratic procedures.

Yet, this Hungarian approach is not isolated. In Poland, under the Law and Justice (PiS) government, similarly vague legal concepts—such as "undermining the functioning of the judiciary" or "political activity" by judges—have been used to discipline and silence critical magistrates. The so-called "Muzzle Law" of 2020 prohibits judges from commenting on judicial appointments or speaking publicly about political interference, using undefined language that invites selective enforcement.[74] In Russia, the Foreign Agents Law, first introduced in 2012 and repeatedly expanded, designates individuals and organizations as "foreign agents" based on vague notions of "political activity" and "foreign influence." These categories are so broadly defined that even environmental NGOs or independent journalists have been prosecuted under their terms.[75] This law requires NGOs that receive foreign funding and engage in loosely defined political activity to register as "foreign agents"—a label that in Russian implies spying—and subjects them to onerous reporting requirements and potential closure.[76] Over the past decade, hundreds of NGOs have been branded foreign agents or forced to shut down. As Human Rights Watch reported, these laws "conflate the promotion of human rights and government accountability with incursions on state sovereignty," painting NGOs as treasonous if they criticize the regime.[77] By 2020, the foreign agent label was even extended to individual activists and journalists, indicating the regime's legal net widening.

Similarly, in Turkey, anti-terrorism laws have long been criticized for their vague definitions of terms such as "terror propaganda" and "membership in a terrorist organization," which have enabled the mass prosecution of journalists, academics, and civil society actors.[78] The 2022 Disinformation Law, which criminalizes the dissemination of "false or misleading information," also lacks a clear legal definition, raising serious concerns about freedom of expression and the arbitrary criminalization of dissent.[79] In 2023, the AKP government proposed an "agent of influence bill" (*etki ajanlığı yasası),* which bore similarities to restrictive legislation in Russia and sought to label and criminalize individuals or organizations allegedly influenced by foreign funding. However, the proposal was ultimately withdrawn in the face of strong domestic and international opposition, including widespread criticism from opposition parties, bar associations, and human rights organizations.

As in the case of Hungary, the strategic use of legal ambiguity in Poland, Russia, and Turkey reveals a broader pattern of autocratic legalism, in which vague and elastic legal norms are deployed to subvert democratic accountability while preserving the veneer of constitutional legitimacy. These regimes use ambiguous language not by accident but by design—transforming the law into a flexible and politically adaptable instrument of control. Whether framed as "foreign interference," "agent of influence," "national interest," or "terrorism," such formulations allow governments to undermine pluralism, intimidate civil society, and shield executive power from scrutiny.

3.6. The Combined Use of Emergency and Ordinary Legislation

As I have previously argued, Hungary exemplifies a modular emergency regime—a system in which exceptional measures and ordinary legislation are used interchangeably or even simultaneously at the government's discretion. This flexibility has become a hallmark of governance under Prime Minister Viktor Orbán, whose successive administrations have repeatedly revised the country's emergency framework through constitutional amendments. The 2012 Fundamental Law of Hungary, drafted under Orbán's leadership, introduced a highly elaborate regime of emergency powers, comprising six distinct types of states of exception: state of war, state of emergency, state of national crisis, state of preventive defense, unexpected attack, and state of danger.[80] This framework allowed for a wide range of government responses to real or perceived crises.

However, constitutional amendments in recent years have significantly streamlined this system. The Ninth Amendment (December 22, 2020) and Tenth Amendment (May 24, 2022) of the Fundamental Law restructured and simplified the emergency regime. Following these changes, only three forms of emergency powers remained: state of war, state of emergency, and state of danger.[81] The "state of danger" already existed under the 2012 Fundamental Law as one of the six original states of exception, typically linked to natural disasters or industrial accidents. Yet, as the Helsinki Committee suggested, the Tenth Amendment of May 2022 substantially expanded the scope of the state of danger by altering Article 53(1) of the constitution. This enabled the government to declare a state of danger not only for natural disasters or industrial accidents, but also in response to an "armed conflict, war or humanitarian disaster in a neighboring country," explicitly citing the context of the Ukraine war.[82]

The COVID-19 pandemic (2020–2022) marked a turning point in Hungary's use of emergency powers, even by its own standards. As noted by Scheppele and Pozen, "Viktor Orbán's use of emergency powers has been unusual and extreme."[83] In March 2020, the Hungarian parliament passed the Enabling Act, which granted the government the authority to rule by decree without a sunset clause—effectively suspending parliamentary oversight for an extended period. The Hungarian government declared a "state of danger" on March 11, 2020, in response to the COVID-19 pandemic, invoking Article 53 of the Hungarian Fundamental Law (the Constitution). According to the Constitution, emergency decrees issued under a state of danger are valid for only 15 days, unless the parliament explicitly authorizes their extension (Fundamental Law, Article

53(3)). Instead of seeking periodic renewals by the parliament, the Orbán government proposed and passed the "Authorization Act" (which is also called as the Enabling Act) on March 30, 2020 granting the government the power to rule by decree without a time limit, for the duration of the state of danger. The termination of the state of danger is contingent upon its revocation by the government, thereby centralizing the authority to conclude the emergency within the executive rather than an autonomous or independent body. In effect, this framework enables institutions under Orbán's control to exercise full discretion over the duration of the emergency regime.

In response to substantial domestic and international criticism, the Hungarian government formally revoked the state of danger, and the Enabling Act was repealed on June 23, 2020. However, in the very same parliamentary session, a new law—commonly referred to as the Transitional Act or Transitional Provisions Law—was adopted. This legislation effectively reintroduced emergency powers, and it "gave Orbán back under a different legal rubric nearly all of the powers he had ostensibly just relinquished."[84] By shifting the legal basis for emergency rule from constitutional provisions (i.e., special legal orders) to ordinary legislation, particularly in the realm of public health law, the government consolidated and effectively normalized the exercise of exceptional powers. Moreover, emergency decrees that had previously targeted opposition-led local governments by redirecting their tax revenues were subsequently codified into permanent statutory law, further institutionalizing punitive measures under the guise of legality.

According to one interviewee, "during the COVID-19 crisis, the Orbán regime realized that the framework of the state of exception could be used not only to manage public health emergencies, but also to address routine political issues."[85] Since then, successive Orbán governments have made extensive use of emergency decrees, not only to manage day-to-day administrative matters—such as regulating pharmaceutical prices—but also to advance their broader political agenda. As another interviewee noted, the government has strategically exploited exceptional circumstances for partisan purposes, as in the case of prohibiting teachers from striking through the issuance of an emergency decree.[86]

In this sense, emergency powers have become a dual-purpose instrument: they serve routine governance functions while also operating as "vital tools in implementing the government's goals."[87] Emergency decrees are also "useful in circumventing the ordinary procedures"[88] as they enable fast-track legislation.[89] By relying on such decrees, the regime has effectively bypassed parliamentary oversight, enabling it to pursue contentious or politically sensitive initiatives without open debate or institutional checks.[90] This reflects a broader trend in which emergency governance has become normalized, blurring the line between exceptional measures and ordinary rule, and reinforcing executive dominance under the guise of crisis management.

It has also been argued that the Orbán administration employs laws and decrees simultaneously and in a complementary fashion. Pokornyi & Sághy observe a negative correlation between the number of laws passed by the parliament and the executive decrees issued by the government: when the number of laws declines, the use of decrees tends to rise, and vice versa.[91] This suggests that the Orbán regime strategically calibrates its use of these instruments—choosing decrees when it considers them sufficient or when speed and flexibility are required, and opting for legislation when it seeks broader legitimacy, and has the time to follow the parliamentary process. This dynamic reflects a deliberate balancing of legislative and executive powers, a characteristic of modular emergency regimes. It enables governments to maintain tight control over the policy-making process while adapting to political and practical needs.

4. Conclusion and Some Remarks on the Turkish Case

Although some observers, including Bugaric, note that "the novelty and irony of the Hungarian slide into authoritarianism is that it was achieved entirely through legal means,"[92] Hungary is neither an isolated case nor an exceptional outlier. Rather, it represents a broader and increasingly prominent trend in contemporary authoritarian governance: the deliberate construction of modular authoritarian regimes through legal and constitutional reengineering. In such regimes—Turkey being a notable parallel—legal frameworks are not abandoned but strategically repurposed to concentrate power, erode democratic checks and balances, and entrench executive dominance, all while preserving a façade of legality and institutional continuity. Hungary and Turkey, in this respect, serve as paradigmatic examples, revealing the logic, techniques, and legitimizing discourses of 21st-century authoritarian legalism. The remainder of this analysis will highlight key parallels between the two cases.

Both the Hungarian and Turkish cases vividly demonstrate that contemporary authoritarian regimes govern not in defiance of the law but through it—employing legal frameworks to legitimize and institutionalize autocratic rule.[93] In such contexts, the boundary between rule of law and rule by law is deliberately and systematically dismantled. Law no longer serves as a constraint on executive power; instead, it is instrumentalized to facilitate its expansion and entrenchment.[94]

As these two cases illustrate, autocratic leaders frequently invoke the discourse of legality to justify repressive policies, presenting themselves as defenders of legal order rather than as authoritarian or autocratic rulers. Measures targeting opposition actors, civil society, and independent media are routinely framed as lawful responses to supposed threats such as terrorism, national security breaches, public disorder, or corruption. This strategic use of legal discourse masks the erosion of democratic norms beneath a veneer of legitimacy, transforming repression into a legal procedure. Laws aimed at combating corruption, cybercrimes, and foreign influence, among others, are often used to silence independent media, NGOs, and opposition parties. These laws allow governments to justify their actions as necessary measures rather than political repression.

This dynamic is particularly visible in the Turkish context. Since October 2024, numerous mayors from the main opposition party—the Republican People's Party (*Cumhuriyet Halk Partisi*, CHP)—have been subjected to politically motivated investigations, police operations, arrests, and administrative removals. These actions, which lack transparent judicial oversight or credible evidence, reflect a broader pattern of authoritarian legalism, whereby state power is exercised selectively to suppress dissent and eliminate political competition under the guise of legality.

Turning to Hungary, the 2011 Fundamental Law—adopted unilaterally by the ruling Fidesz-KDNP coalition without opposition involvement or public referendum—constituted a foundational moment of constitutional rupture. It codified a nationalist/conservative vision and granted the executive a flexible legal platform for ongoing institutional transformation. This was followed by a period of hyperactive law-making, marked by frequent constitutional amendments, omnibus legislation, and accelerated parliamentary procedures that sidelined deliberation and concentrated law-making power in the hands of the executive. The parliament was effectively reduced to a "law factory," formalizing governmental will rather than enabling genuine democratic contestation.

Institutional restructuring accompanied this legislative overhaul. The judiciary was reengineered through the forced retirement of senior judges, politically aligned appointments, and jurisdictional changes—particularly weakening the Constitutional Court. Where existing institutions resisted capture, the government created new parallel bodies staffed with loyalists. Ambiguously worded legal provisions invoking terms such as "sovereignty" or "foreign influence" facilitated selective enforcement, suppressing dissent while maintaining the illusion of legal neutrality.

A defining feature of both the Hungarian and Turkish cases is the institutionalization of modular emergency regimes—hybrid legal frameworks that normalize exceptional powers under the guise of ordinary governance. These regimes blur the boundaries between temporary emergency measures and the regular legal order, enabling the executive to exercise extraordinary authority with minimal checks. In Hungary, emergency powers introduced during the COVID-19 pandemic were rapidly codified through ordinary legislation, granting the executive the ability to rule by decree with little parliamentary oversight. This effectively erased the distinction between emergency and normal governance, embedding exceptional powers into the routine functioning of the state.

In Turkey, this dynamic unfolded even more starkly. Turkey was governed under a nationwide state of emergency (SoE) for two years, declared on July 20, 2016—five days after a faction within the Turkish armed forces, allegedly affiliated with the Gülen movement, attempted a coup d'état against the government. The SoE was extended seven times consecutively, and its scope expanded far beyond addressing the coup plotters, encompassing broad segments of society with no connection to either Gülenists or the attempted coup. During this period, the government issued 37 emergency decrees with the force of law, entirely bypassing parliamentary oversight. While initially framed as temporary responses to an existential security crisis, these decrees introduced enduring changes across a wide range of sectors, including national defense, public administration, civil liberties, education, and the judiciary.[95]

Although the Turkish Grand National Assembly was nominally tasked with overseeing emergency governance, its oversight role was effectively nullified by the ruling Justice and Development Party's parliamentary majority.[96] Moreover, the Constitutional Court was excluded from reviewing emergency decrees, further removing judicial checks. The executive was thus granted the authority to suspend fundamental rights and freedoms in part or in full, with minimal legal accountability.[97]

In practice, the SoE was not only employed to suppress the Gülenist network held responsible for the coup attempt but also used strategically to silence broader political opposition—particularly pro-Kurdish actors—and to restructure the state apparatus in line with executive preferences. To give an example, emergency Decree No. 674, issued during the state of emergency declared after the failed coup attempt of July 2016, empowered the Ministry of Interior to remove elected mayors, deputy mayors, and municipal council members accused of terrorism-related charges and replace them with centrally appointed trustees (*kayyum).*[98] Although originally justified as a temporary counterterrorism measure, this provision has been disproportionately applied to Kurdish elected officials and remains in use long after the formal lifting of the SoE. What emerged was not merely a temporary suspension of constitutional norms but a lasting reconfiguration of Turkey's legal and political order under the logic of emergency rule, a phenomenon observable in the Hungarian case, as well.

This legal and political transformation culminated in the adoption of the so-called "Presidential System of Government" (PSG) in Turkey, approved through a contested 2017 referendum held under state of emergency conditions and in an environment marked by restricted media pluralism. The PSG—fully implemented following the 2018 general elections—institutionalized a form of presidential rule that closely resembled emergency governance in both structure and function. Although the formal state of emergency was lifted in July 2018, what emerged was a modular emergency regime operating under the guise of presidentialism. In this new framework, presidential decrees became the dominant legal instrument, bypassing parliamentary oversight and enabling rule by executive fiat. Core state institutions were reorganized: defense and security agencies were restructured, ministries reconfigured, and key strategic bodies—including the National Intelligence Organization, the National Security Council, and the Turkey Wealth Fund—were brought directly under presidential control. The result was the entrenchment of a permanent legal state of exception, no longer limited to temporary crisis contexts but embedded within the constitutional architecture itself.

Both Hungarian and Turkish governments construct narratives of perpetual crisis—whether in the form of terrorism, migration, pandemics, or foreign interference—to justify continued legal exceptionalism.[99] These crises legitimize the expansion of executive discretion and the erosion of constitutional safeguards, allowing emergency governance to become routinized. In such contexts, law does not merely coexist with authoritarianism—it enables and sustains it. What Hungary and Turkey reveal is a distinct mode of contemporary authoritarianism: one that does not reject legality but reconfigures it to serve illiberal ends. Democratic backsliding unfolds not through sudden rupture, but through gradual, legalistic transformation. Authoritarian consolidation proceeds incrementally, behind the façade of legality and institutional formality. This strategic use of law not only stifles opposition but also confers a degree of legitimacy on regimes that might otherwise be recognized as authoritarian.

Finally, it must be emphasized that beyond the well-documented cases of Turkey, Hungary, and Poland, elements of legalistic authoritarianism are increasingly visible across the globe. In Serbia, for example, the regime of Aleksandar Vučić is often described as exhibiting “Hungarian-style” control: elections continue to be held, but the ruling party dominates the media landscape, manipulates institutional frameworks, and enacts legal changes—such as restrictive media and public assembly laws—to suppress dissent and marginalize opposition voices. Similarly, in Venezuela, the government has repeatedly disqualified opposition candidates through politically captured courts and electoral authorities, always claiming to act within the bounds of legality, even as the country’s democratic institutions have been systematically hollowed out. In China, the Xi Jinping administration has also intensified legal repression, most notably with the passage of the sweeping National Security Law for Hong Kong in 2020. The law criminalizes vaguely defined acts of subversion, secession, and collusion with foreign forces, thereby providing a legal veneer for authoritarian control over a previously semi-autonomous region.

For scholars, policymakers, and civil society actors concerned with democratic resilience, these global cases offer sobering lessons. They reveal that legality, in and of itself, is not a safeguard against authoritarianism—especially when the law is instrumentalized as a means of domination. In the hands of autocratic legalists, law functions both as a shield against accountability and as a weapon against dissent. While contextual differences remain significant—such as the constraining influence of EU membership in Poland and Hungary, the role of the military in other regimes, or the ideological justifications underpinning each government—the core pattern is consistent: institutions originally designed to check executive power are strategically repurposed to entrench it. Understanding these dynamics is essential to confronting our contemporary crisis of democratic erosion and for mounting an effective resistance against the rising tide of autocratic and authoritarian tendencies worldwide.

List of Interviewees

Interviewee 1: Academic and jurist, Centre for Social Sciences, Hungarian Academy of Sciences, Budapest, December 12, 2023.

Interviewee 2: Professor of Political Science, Centre for Social Sciences, Hungarian Academy of Sciences, Budapest, December 12, 2023.

Interviewee 3: Professor of Government and Public Policy, Centre for Social Sciences, Hungarian Academy of Sciences, Budapest, December 12, 2023.

Interviewee 4: Legal expert and NGO director, Budapest, December 13, 2023.

Interviewee 5: Academic at Eötvös Loránd University, Budapest, December 13, 2023.

Interviewee 6: Civil society activist, Budapest, December 13, 2023.

Interviewee 7: Professor of Economics and Politics at Corvinus University and Centre for Social Sciences, Hungarian Academy of Sciences, Budapest, December 14, 2023.

Interviewee 8: Academic and director of research, Centre for Social Sciences, Hungarian Academy of Sciences, Budapest, December 14, 2023.

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