

Splitting up and legal family formats in Hungary

by Eszter Polgari ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 5 – Splitting up)

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¹ Eszter Polgari (Assistant Professor, Department of Legal Studies, Central European University) is grateful for the useful comments that Tamás Dombos (board member, Háttér Society, www.hatter.hu) made on an earlier version of the answers in this section of the database.

² [Grotius Centre for International Legal Studies](#), Leiden University, Netherlands, www.leiden.edu.



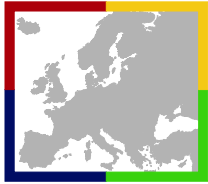
³ Institut national d'études démographiques, Paris, France, www.ined.fr.



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Disclaimer

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The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Hungary

The answers concerning Hungary can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Hungary by Eszter Polgari (Section 1)

Income, troubles and legal family formats in Hungary by Tamás Dombos (Section 2)

Parenting and legal family formats in Hungary by Eszter Polgari (Section 3)

Migration and legal family formats in Hungary by Tamás Dombos (Section 4)

Splitting up and legal family formats in Hungary by Eszter Polgari (Section 5)

Death and legal family formats in Hungary by Eszter Polgari (Section 6)

So this paper is based on **Section 5 (Splitting up)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 5.1 Dissolution by court
- 5.2 Agreed administrative dissolution
- 5.3 Unilateral administrative dissolution
- 5.4 Agreed informal dissolution
- 5.5 Unilateral informal dissolution
- 5.6 Dissolution by marrying someone else
- 5.7 Ending by conversion
- 5.8 Ending by marrying each other
- 5.9 Property at dissolution
- 5.10 Alimony
- 5.11 Parental authority
- 5.12 General background regarding splitting up

In the following pages of this paper, first the answer to question 5.12 is presented, followed by the answers to questions 5.1 to 5.11.

5.12 - General background regarding splitting up (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding splitting up, then please do so here.

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Jurisdiction: **Hungary**

Source: **E. Polgari**, "Splitting up and legal family formats in Hungary". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-HU-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.01 - Dissolution by court**

Can this type of relationship be ended by court decision?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes 2014	X	X
Yes 1953			Yes 2009	X	X
Yes 1895			N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:20-4:23 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 276-292 of Act no. III of 1952 on the Code of Civil Procedures (1952. évi III. törvény a polgári perrendtartásról), Chapter XV (Matrimonial Proceedings) of Part IV (Special Procedures) (in force since 1 January 1953).</p> <p>Art. 18-20 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p> <p>Art. 73-103 of Act no. XXXI of 1894 on the Law of Marriage (1894. évi XXXI. törvénycikk a házassági jogról) (in force between October 1895 and 31 December 1952).</p>		<p>References to legal sources: Art. 3 and 4 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 4:20-4:23 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 18-20 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to the rules in force, a court dissolves the marriage at the request of either of the spouses if the marriage broke down due to irreconcilable differences. The marriage is considered to be broken down if the relationship of the spouses has been destroyed and there is no reasonable expectation of reconciliation judging from the events leading to the destruction of their life as a couple or based on the length of their separation.</p> <p>The marriage can be also dissolved by a court without examining the existence of irreconcilable differences if the spouses request so in mutual agreement; this is not an option if the divorce is requested by only one spouse.</p> <p>If the spouses cannot agree on the terms of divorce or only one of them requests the dissolution of the marriage, the court procedure is a 'factual dissolution'. If the spouses file for divorce together and agree on all matters (including parental custody of their common child), the procedure is a 'dissolution based on agreement'.</p> <p>Before filing for divorce or during the divorce procedure the spouses have access to mediation - either on their own initiative or by the recommendation of the court. The aim of the mediation procedure is to settle the disputes in connection with the divorce by way of agreement. The agreement reached may be fixed in a court settlement.</p>		<p>Explanations and nuances: Registered partnership may be ended by courts; in this case the rules on dissolution of marriage apply by virtue of Art. 3 of the Registered Partnership Act.</p>			

Jurisdiction: **Hungary**

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Section: **5 - Splitting up**

Question: **5.02 - Agreed administrative dissolution**

Can this type of relationship be ended by mutual agreement in an administrative procedure?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2014	2015 N/A 0000	2015 N/A 0000	2015 No, but 2009	X	X
No 1953			N/A 0000	X	X
Yes 1895				X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:20 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 18 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p> <p>Art. 73 Act no. XXXI of 1894 on the Law of Marriage (1894. évi XXXI. törvénycikk a házassági jogról) (in force between October 1895 and 31 December 1952).</p>		<p>References to legal sources: Art. 4 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 36/A-36/D of Act no. XLV of 2008 on Non-contentious Proceedings before Public Notaries (2008. évi XLV. törvény az egyes közjegyzői nemperes eljárásokról) as amended by Act no. XXIX of 2009 (in force since 1 July 2009).</p>			
<p>Explanations and nuances: Marriages may be only dissolved by a court, there is no alternative procedure.</p>		<p>Explanations and nuances: Registered partnerships may be dissolved in an out-of-court procedure, i.e. by public notaries. However, it must be noted that public notaries exercise quasi-judicial function in such procedures, and do not act as administrative authorities. The divorce may be initiated before notaries if the registered partners are not raising a child together; they agree on the terms of divorce; and both are legally competent and have full legal capacity. While the notary holds a hearing for the registered partners, no evidence is taken in the procedure.</p>			

Jurisdiction: **Hungary**

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Section: **5 - Splitting up**

Question: **5.03 - Unilateral administrative dissolution**

Can this type of relationship be ended by one partner unilaterally in an administrative procedure?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2014	2015 N/A 0000	2015 N/A 0000	2015 No 2009	X	X
No 1953			N/A 0000	X	X
No 1895				X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:20-4:23 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 276-292 of Act no. III of 1952 on the Code of Civil Procedures (1952. évi III. törvény a polgári perrendtartásról), Chapter XV (Matrimonial Proceedings) of Part IV (Special Procedures) (in force since 1 January 1953).</p> <p>Art. 18-20 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p> <p>Art. 73-103 of Act no. XXXI of 1894 on the Law of Marriage (1894. évi XXXI. törvénycikk a házassági jogról) (in force between October 1895 and 31 December 1952).</p>		<p>References to legal sources: Art. 3 and 4 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 36/A-36/D of Act no. XLV of 2008 on the Non-contentious Proceedings before Public Notaries (2008. évi XLV. törvény az egyes közjegyzői nemperes eljárásokról) as amended by Act no. XXIX of 2009 (in force since 1 July 2009).</p>			
<p>Explanations and nuances: Marriages may be only dissolved by a court, there is no alternative procedure.</p>		<p>Explanations and nuances: Ending a registered partnership is only possible in a divorce procedure before a court or a public notary (see questions 5.1 and 5.2).</p>			

Jurisdiction: **Hungary**

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Section: **5 - Splitting up**

Question: **5.04 - Agreed informal dissolution**

Can this type of relationship be ended by mutual agreement without involvement of any authority?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2014	2015 N/A 0000	2015 N/A 0000	2015 No 2009	X	X
No 1953			N/A 0000	X	X
No 1895				X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:20-4:23, 7:62 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 18-20 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p> <p>Art. 73-103 of Act no. XXXI of 1894 on the Law of Marriage (1894. évi XXXI. törvénycikk a házassági jogról) (in force between October 1895 and 31 December 1952).</p>		<p>References to legal sources: Art. 3 and 4 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 4:20-4:23 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 18-20 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>			
<p>Explanations and nuances: Formally, marriage may only be ended by a court in a divorce procedure. The spouses may - by agreement - separate, but that does not end their marriage. However, such a separation has implication on the property regime between them and inheritance by the surviving spouse. Community of property shall terminate not only by divorce but also by the separation of the spouses (i.e. not maintaining a common household any longer). A separated spouse is not an intestate heir.</p>		<p>Explanations and nuances: Art. 3 of the Registered Partnership Act extends the application of the rules on marriage to registered partnerships; thus separation without getting a formal divorce results in the termination of the community of property.</p>			

Jurisdiction: **Hungary**

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Section: **5 - Splitting up**

Question: **5.05 - Unilateral informal dissolution**

Can this type of relationship be ended by one partner unilaterally without involvement of any authority?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2014	2015 N/A 0000	2015 N/A 0000	2015 No 2009	X	X
No 1952			N/A 0000	X	X
No 1895				X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:20-4:23, 7:62 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 18-20 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p> <p>Art. 73-103 of Act no. XXXI of 1894 on the Law of Marriage (1894. évi XXXI. törvénycikk a házassági jogról) (in force between October 1895 and 31 December 1952).</p>		<p>References to legal sources: Art. 3 and 4 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 4:20-4:23 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 18-20 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>			
<p>Explanations and nuances: Formally, marriage may only be ended by a court in a divorce procedure. The spouses may - by agreement - separate, but that does not end their marriage. However, such a separation has implication on the property regime between them and inheritance by the surviving spouse. Community of property shall terminate not only by divorce but also by the separation of the spouses (i.e. not maintaining a common household any longer). A separated spouse is not an intestate heir.</p>		<p>Explanations and nuances: Art. 3 of the Registered Partnership Act extends the application of the rules on marriage to registered partnerships; thus separation without getting a formal divorce results in the termination of the community of property.</p>			

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Splitting up and legal family formats in Hungary". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-HU-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.06 - Dissolution by marrying someone else**

Can a registered partnership be ended by one partner marrying someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
X	X	2015 N/A 0000	2015 No 2009	X	X
X	X		N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
		<p>References to legal sources:</p> <p>Art. 4:7 and 4:13 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 1 and 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 3 and 7 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) as amended by Act no. XXIX of 2009 (in force between 1 July 2009 and 14 March 2014).</p> <p>Art. 214 of Act no. C of 2012 on the Criminal Code (2012. évi C. törvény a Büntető Törvénykönyvről) (in force since 1 July 2013).</p> <p>Art. 192 of Act no. IV of 1978 on the Criminal Code (1978. évi IV. törvény a Büntető Törvénykönyvről) as amended by Act no. XCII of 2008 and clarified by Act no. CLXI of 2010 (in force between 1 January 2009 and 30 June 2013).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
		<p>Explanations and nuances: According to the 2013 Civil Code before getting married both partners to the marriage need to declare before the registrar that there is no legal impediment to their marriage and they need to verify that the legal requirements for their marriage are met. If one of the parties is already married it results in the invalidity of their marriage. The former Family Code that was replaced by the 2013 Civil Code explicitly referred to the existence of a prior registered partnership as a ground for invalidity, the reference was dropped in the new Civil Code. However, on the basis of the general reference rule in the Act on Registered Partnership, the existence of a former registered partnership prevents a person to conclude a valid marriage.</p> <p>Until mid-2013 it was criminalised to enter into a new marriage (or in registered partnership) while being engaged in a previous marriage or registered partnership. The 2012 Criminal Code only penalises bigamy, i.e. when a man and a woman marry while one of them is engaged in a previous marriage. The new act does not refer to being committed in a registered partnership and the reference rule of the Act on Registered Partnership is not applicable here.</p>			

Jurisdiction: **Hungary**

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Section: **5 - Splitting up**

Question: **5.07 - Ending by conversion**

Can this type of relationship be ended by the partners by way of conversion (of a marriage into a registered partnership or vice versa)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2014	2015 N/A 0000	2015 N/A 0000	2015 No 2009	X	X
No 2009			N/A 0000	X	X
N/A 0000				X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:5 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. L of the Fundamental Law of Hungary (25 April 2011) (Magyarország Alaptörvénye (2011. április 25.)) (in force since 1 January 2012).</p> <p>Art. 2 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p> <p>Act no. XXXI of 1894 on the Law of Marriage (1894. évi XXXI. törvénycikk a házassági jogról) (in force between October 1895 and 31 December 1952).</p> <p>Constitutional Court Decision no. 14/1995 (13 March 1995).</p>		<p>References to legal sources: Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatáról) (in force since 1 July 2009).</p> <p>Constitutional Court Decision no. 154/2008 (17 December 2008).</p> <p>Constitutional Court Decision no. 32/2010 (25 March 2010).</p> <p>Act no. CLXXXIV of 2007 on Registered Partnership (2007. évi CLXXXIV. törvény a bejegyzett élettársi kapcsolatáról) (never entered into force).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Marriage is only available to different-sex couples. Same-sex couples are constitutionally banned from marrying each other after the adoption of the Fundamental Law in 2011 (it entered into force in 2012), which declares: "Hungary shall protect the institution of marriage as the union of a man and a woman established by voluntary decision". Prior to the Fundamental Law, the 1949 Constitution only referred to marriage without specifying the gender of the parties to it. However, the Constitutional Court in 1995 in interpreting the marriage provision followed the traditional understanding of the institution limiting it to a man and a woman.</p>		<p>Explanations and nuances: Registered partnership is not available to different-sex couples, although the 2007 Act on Registered Partnership Act would have opened it to both same-sex and different-sex couples. In 2008, shortly before the entry into force of the 2007 Act, the Constitutional Court found that the institution of registered partnership is unconstitutional for different-sex couples due to the constitutional protection of marriage. Registered partnership exclusively available to same-sex couples was found constitutional in 2010.</p>			

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Splitting up and legal family formats in Hungary". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-HU-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.08 - Ending by marrying each other**

Can a registered partnership be ended by the partners marrying each other?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
X	X	2015 N/A 0000	2015 No 2009	X	X
X	X		N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
		<p>References to legal sources:</p> <p>Art. 4:5 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. L of the Fundamental Law of Hungary (25 April 2011) (Magyarország Alaptörvénye (2011. április 25.)) (in force since 1 January 2012).</p> <p>Art. 1 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 2 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p> <p>Constitutional Court Decision no. 14/1995 (13 March 1995).</p> <p>Art. 3(1) of Act no. CLXXXIV of 2007 on Registered Partnership (2007. évi CLXXXIV. törvény a bejegyzett élettársi kapcsolatról (never entered into force).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
		<p>Explanations and nuances:</p> <p>Same-sex partners are legally barred from marrying each other. The Fundamental Law explicitly reduces the institution of marriage to different-sex couples, and although the 1949 Constitution did not contain such a limitation, the Constitutional Court followed the traditional understanding of marriage, i.e. a relationship between a man and a woman.</p> <p>The 2007 Registered Partnership Act that would have made the institution available for different-sex couples as well (see question 5.7), contained a provision that registered partnership ends if the partners marry each other. The rule would have only applied to different-sex registered partners.</p>			

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Splitting up and legal family formats in Hungary". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-HU-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.09 - Property at dissolution**

In case the partners split up, do statutory rules consider as joint property any possessions acquired by either of them after they started this type of relationship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes 2014	2015 No 2014	2015 No 2014
Yes 1953			Yes 2009	Yes 1996	Yes 1996
			N/A 0000	No 1978	No 0000
				No 0000	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:34 and 4:37-4:41 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 27-30 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>		<p>References to legal sources: Art. 3 of Act no. XXIX on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 4:34 and 4:37-4:41 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 27-30 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>		<p>References to legal sources: Art. 6:516 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Three (Types of Contracts) of Book Six (Contract Law) (in force since 15 March 2014).</p> <p>Article 685/A of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. XLII of 1996 (in force between 19 June 1996 and 14 March 2014).</p> <p>Art. 578/G of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. XXV of 1988 (in force between 1 January 1989 and 19 June 1996).</p> <p>Art. 685 of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. IV of 1977 (in force between 1 March 1978 and 14 March 2014).</p> <p>Views no. 94 of the Civil Law Collegium of the Supreme Court (1973).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Unless the future spouses conclude a marriage contract, joint property or marital community of property exists between the spouses for the duration of their matrimonial relationship. The statutory matrimonial property regime enters into force upon marrying each other or when the life partnership (i.e. joint household) begins. Thus, if the spouses live as domestic partners before marrying each other, the matrimonial property regime may apply retroactively.</p> <p>Property acquired by any of the spouses during the marriage (during the existence of the community of property) forms part of the marital property. Separate property of a spouse shall include:</p> <ul style="list-style-type: none"> a) any property acquired before marital community of property; b) any property acquired by gift, bequest, devise, or inheritance, and any received without compensation during marital community of property; c) any right of the spouse as the proprietor of intellectual property, except for the royalties due during community of property; d) any compensation received for personal injury; e) personal effects and articles of personal use of customary value; and f) assets acquired in exchange for the spouse's separate property and anything of value acquired for such property. <p>The proceeds on separate property accumulated during the matrimonial relationship shall be community property after deducting the maintenance costs.</p>		<p>Explanations and nuances: By virtue of the reference rule of the Registered Partnership Act, the rules on the matrimonial property regime duly apply for registered partners as well.</p>		<p>Explanations and nuances: In the 2013 Civil Code the general rule - followed previously as well - is that domestic partnership does not lead to community of property. Unless agreed otherwise in a partnership contract, domestic partners are considered independent in their property acquisitions during their cohabitation. They may acquire property jointly during their cohabitation and if the cohabitation is terminated, they can request the division of such property.</p> <p>The 1959 Civil Code after the 1996 amendment also contained rules on the property of cohabiting partners: cohabiting partners acquired joint title to property in proportion to their contribution for acquisition while cohabiting. If the ratio of contribution could not be determined, it was considered equal. Work done in the household was construed as contributing to acquisition.</p>	

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Splitting up and legal family formats in Hungary". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-HU-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.10 - Alimony**

In case the partners split up, do statutory rules on alimony apply?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes 2014	2015 Yes 2014	2015 No 2014
Yes 1953			Yes 2009	No 1996	No 1996
Yes, but 1895			N/A 0000	No 1978	No 0000
				No 0000	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:29-4:33 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 18 and 21-22 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p> <p>Art. 90-93 of Act no. XXXI of 1894 on the Law of Marriage (1894. évi XXXI. törvénycikk a házassági jogról) (in force between October 1895 and 31 December 1952).</p>		<p>References to legal sources: Art. 3 of Act no. XXIX on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 4:29-4:33 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 18 and 21-22 of Act no. IV of 1952 on Family, Marriage and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>		<p>References to legal sources: Art. 4:86 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Three (Legal Aspects of Domestic Partnership under Family Law) of Book Four (Family Law) (in force since 15 March 2014).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to the 2013 Civil Code either spouse is entitled to demand maintenance from his/her ex-partner if he/she is unable to support him/herself for reasons beyond his/her control. If the former spouse develops the need for support after a period of five years following the termination of the matrimonial relationship, maintenance may only be claimed in exceptional circumstances. The former spouse is unworthy of maintenance if a) the irretrievable breakdown of the marriage is attributable to his/her gross misconduct or reprehensible lifestyle, or b) he/she engaged after the termination of the matrimonial relationship in any conduct intended to do harm to the ex-spouse, or their resident family member. The maintenance shall not jeopardize the ex-spouse's ability to provide for him/herself.</p> <p>The 1952 Family Code contained the same rule, but it did not specify what unworthiness meant.</p> <p>Before 1953 it was 'Yes, but' because prior to the entry into force of the Family Code only women were entitled to spousal support.</p>		<p>Explanations and nuances: By virtue of the general reference rule in Article 3 of the Registered Partnership Act, the rules on spousal support duly apply for registered partners as well. A former registered partner may demand maintenance from his/her former partner if he/she is unable to support him/herself for reasons beyond his/her control as long as it does not jeopardize the ex-registered partner's ability to provide for him/herself. The rules of unworthiness also apply: the former partner is not entitled for maintenance if a) the irretrievable breakdown of the marriage is attributable to his/her gross misconduct or reprehensible lifestyle, or b) he/she engaged after the termination of the matrimonial relationship in any conduct intended to do harm to the ex-spouse, or their resident family member. If the former registered partner develops the need for support after a period of five years following the termination of the relationship, maintenance may only be claimed in exceptional circumstances.</p> <p>The 1952 Family Code contained the same rule, but it did not specify what unworthiness meant.</p>		<p>Explanations and nuances: The 2013 Civil Code - for the first time - regulates the maintenance obligations of domestic partners. Either partner is entitled to demand support from his/her partner if he/she is unable to support him/herself for reasons beyond his/her control, provided that their partnership existed for at least one year and it produced a child. If the former partner develops a need after a period of one year following the termination of domestic partnership, maintenance may only be demanded in cases of special circumstances.</p> <p>Under Hungarian law no child can be born to same-sex domestic partners and they cannot adopt jointly either, thus - by definition - they are not entitled for maintenance from their former domestic partner.</p>	

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Splitting up and legal family formats in Hungary". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-HU-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.11 - Parental authority**

In case the partners split up, do statutory rules on parental authority/responsibility apply?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2014	2015 N/A 0000	2015 N/A 0000	2015 No 2009	2015 Yes 2014	2015 No 2014
Yes 1953			N/A 0000	Yes 1996	No 1996
Yes 1895				Yes 1978	No 0000
				Yes 0000	
<p>References to legal sources: Art. 4:164-4:185 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 72-92 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p> <p>Art. 95-103 of Act no. XXXI of 1894 on the Law of Marriage (1894. évi XXXI. törvénycikk a házassági jogról) (in force between October 1895 and 31 December 1952).</p>		<p>References to legal sources: Art. 3(2) of Act no. XXIX on Registered Partnership Act (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p>		<p>References to legal sources: Art. 4:164-4:185 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 72-92 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to the 2013 Civil Code, parental authority - as a general rule - has to be exercised by the parents jointly even if they are separated. The parents may agree on the shared exercise of parental authority. However, if, in case of joint custody, the parents cannot agree on certain issues, the guardianship authority shall decide such issues.</p> <p>It is the parents' right and obligation to care for the child, and provide a home for them. Parents have the right to choose the path for the child's upbringing and development. Parents manage the property of the child, represent them in matters of personal and financial nature.</p> <p>If the parents live separate and apart, the parental authority may be shared among them, and they may agree to delegate the right to custody to one of them. In the absence of agreement between the parents living separate and apart the court shall decide - upon request or ex officio if necessary for the best interest of the child - which parent shall have the right to custody. The court shall consider the best way to ensure the child's physical, intellectual and moral development. If the court awards the right to custody to one of the parents, the other parent shall not be able to exercise parental authority, with the exception of major issues related to the child's well-being. The court may also delegate certain rights to the parent living separate and apart from the child in connection with caring for the child, exceptionally even managing the child's financial matters. The court - in the best interest of the child - may place the child under the care of a third party.</p> <p>The parent with the right of custody and the parent living separate and apart shall cooperate in the interest of the child's development. The former parent shall inform the other of the child's development, health and studies at pre-arranged intervals. The child has a right to maintain regular contact and a personal relationship with the parent living separate and apart. The parent living separately also has visitation rights that shall be exercised undisturbed.</p> <p>The 1952 Family Code essentially contained the same legal framework.</p> <p>According to the 1894 Act children under the age of 7 remained with their mother, children above the age of 7 with the parent who was not responsible for the termination of marriage. If both parents were responsible, the boys remained with the father, while the girls remained with the mother.</p>		<p>Explanations and nuances: Registered partners cannot have joint parental authority over a child, because they cannot be both legal parents of a child: as a couple they are barred from joint adoption and from other ways of both becoming legal parents (see questions 3.4, 3.9 and 3.10).</p>		<p>Explanations and nuances: The rules on parental authority are identical in case of domestic partners and married couples; the form of the relationship is irrelevant in this respect. Same-sex partners cannot have joint parental authority over a child.</p>	