
Introduction to the Special Issue on Individual Autonomy

The special issue of the *ELTE Law Journal* is dedicated to the concept of individual autonomy, which served as the key theme of the international conference of the International Society of Public Law (ICON-S) Central and Eastern European Chapter, held in Budapest and hosted by Eötvös Loránd University in May 2025. The conference was also an important dissemination event for the results of the #FULCAP research project conducted at the ELTE Department of Constitutional Law, focusing on legal capacity to fundamental rights.

The #FULCAP research project explores a specific aspect of individual autonomy, namely its reflection in law through the doctrinal concept of legal capacity to fundamental rights. The robustness and practical relevance of this doctrinal concept can only be assessed if placed within broader theoretical, interdisciplinary, and methodological frameworks. The conference also highlighted that individual autonomy has numerous other dimensions that merit detailed examination from the perspective of different branches of law, other disciplines, theory and practice, as well as through a plurality of methodological approaches.

The present special issue offers a selection of diverse approaches to the concept of individual autonomy, drawing on the conference presentations and illustrating the broader context of the key findings of the #FULCAP research project. These contextual dimensions range from personal decision-making, to institutional and procedural frameworks, to the obligations and policy choices of the state, to concepts of international law.

Ioana-Adelina Tudor examines approaches to abortion within the European legal order. Her analysis reflects on the tension between, on the one hand, the requirement to protect the right to self-determination and decisions affecting private life – recognized by the European supranational courts – and, on the other hand, the protection of national identity, closely linked to social context and cultural tradition, and primarily reflected in the doctrine of the margin of appreciation. The study explores this tension through a detailed analysis of the relevant case law of the European Court of Human Rights and the Court of Justice of the European Union, while also taking into account recent developments in American jurisprudence. With a strong emphasis on national legislation that can be seen as an expression of national or constitutional identity, the article offers a comprehensive overview of the dilemmas surrounding bodily autonomy in the European context.

Anna Chamráthová Richterová provides a detailed analysis of the Czech ombudsman institution, focusing on its legal basis, activities, and social recognition. The article also

traces the gradual shifts over time in the key aspects of the ombudsman's work, with particular emphasis on the institution's role in protecting individual rights and autonomy. While changes in the role of such institutions are natural – especially in the case of human rights bodies – these developments must also comply with international standards, as the ombudsman's status, powers, and general approach are significantly shaped by them. Taking these requirements into account, the article offers a comprehensive account of how this key national institution has evolved while consistently maintaining its role in safeguarding individual autonomy.

In their study, Polonca Kovač and Klavdija Košec provide a detailed analysis of the functioning of the constitutional complaint mechanism in Slovenia. As a classic legal remedy designed to safeguard fundamental rights in individual judicial cases, the constitutional complaint also serves as an important tool for the effective protection of individual autonomy. The article focuses on constitutional complaints arising from administrative procedures between 2014 and 2024, as reflected in the practice of the Slovenian Constitutional Court. The authors pay particular attention to cases from the tax and social domains, where findings of constitutional non-conformity occur most frequently. Special emphasis is placed on procedural safeguards in these cases, such as the right to be heard and the right to appeal. The empirical analysis also serves as a model for assessing the effectiveness, protection, and enforcement of individual rights and individual autonomy within a specific legal field.

Clara Chapdelaine-Feliciati provides a detailed analysis of the principle of the best interests of the child, the central guiding principle and standard of the UN Convention on the Rights of the Child. Despite its general significance, the meaning of the principle remains ambiguous, as it may vary depending on the context of the specific case. Moreover, as the article demonstrates, its interpretation differs across jurisdictions, social classes, and cultures. To address these ambiguities, the author draws on semiotics and its application in various scientific disciplines, including law. The article argues that legal semiotics can serve as a useful tool for exploring the reasons behind international law's silence on the precise meaning of the best interests of the child. As a result, it contributes to a deeper understanding of the role and responsibility of stakeholders when interpreting this principle.

Aneta Fraser focuses on a specific situation in which individual autonomy may be restricted: the initiation of criminal proceedings against individuals whose actions raise doubts about their criminal nature. *Crimmigration* – the use of criminal law as a means of enforcing immigration policy – has become increasingly relevant in many jurisdictions. As the author argues, such actions by state authorities require strong justification. This challenge and the related dilemmas are examined through a detailed case study of the Polish criminal proceedings initiated against individuals who provided assistance to migrants at the Belarusian–Polish border in 2022. The author concludes that the fusion of criminal law and immigration policy fails to meet the requirement of proportionality, as it restricts the core of individual autonomy in cases where providing help to those in need constitutes an integral part of one's identity.

The context of Vivien Köböl-Benda's analysis is the planetary crisis, which – beyond pollution and climate change – also severely affects biodiversity. Focusing on the international legal regime, and in particular on the Convention on Biological Diversity, the author examines whether recognizing the intrinsic value of nature can enhance the Convention's implementation. From this perspective, the effectiveness of the related Protocols, Agendas, and Decisions is also analysed in detail. As the study demonstrates, the ecocentric approach – embodied in the recognition of the concept of 'Mother Earth' – has the potential to strengthen the effectiveness of the international legal regime governing the protection of biodiversity. As the author concludes, the ecocentric approach is closely linked to the concept of *living well*; in this sense, it can be understood as a broader contextual element of individual autonomy.

The Guest Editors