

130 years of administrative justice in Hungary

Presentation by the President of the Curia of Hungary

Your Excellencies, Honourable Colleagues, Dear Ladies and Gentlemen,

It has become a tradition that at the beginning of each year, the management of the Curia meets with ambassadors accredited to Hungary at a working breakfast, where the representatives of the country's highest judicial forum have the opportunity to share their thoughts with the ambassadors serving here.

The year 2026 marks a special anniversary for the Hungarian judiciary. Three major events are connected to this year.

First is the inauguration of the Palace of Justice, which once served as the seat of the Hungarian Royal Curia. Its ongoing renovation, which you are all very familiar with, is clearly visible during State ceremonies in Kossuth Square. We hope that this year the Curia will be able to move back into the building, which was completed in 1896 in preparation for Hungary's millennium celebrations. On the occasion of this year's 130th anniversary, the Curia will symbolically and actually take possession of the completely renovated Palace of Justice once again. You will hear a separate presentation on this topic from the Secretary General of the Curia.

It also took place 130 years ago that the National Assembly passed the Code of Criminal Procedure, which laid down the legal basis of modern Hungarian criminal procedure. You can hear a separate presentation on this topic from the Vice-President of the Curia in charge of criminal law matters.

The third important anniversary – which I will talk about – is the 130th anniversary of the establishment of the Royal Administrative Court.

The 19th century was an outstanding period in many respects. We know, and my previous statements also refer to this, that it is also extremely important for us lawyers. It was during this period that the institutionalized, parliamentary version of the separation of powers spread from Great Britain to continental Europe. It was during this century that the principle of *Rechtsstaat* was born in Germany and became a general requirement. These are important moments in legal development, but no less important is what started in France: the creation of large books of law (codes), the systematic organization of public administration, and the emergence and generalization of continental-style administrative justice – in short, the Napoleonic system. The challenge for Hungary was to incorporate these new phenomena into our thousand-year-old constitutional system.

As you can see, by 1896, the Millennium year, when we celebrated the thousandth anniversary of existence of the Hungarian Statehood, we had met this challenge. We succeeded in harmonizing our traditional constitutionalism with the new doctrines and institutions and in consolidating all this into practice.

At the end of the 19th century, both political and legal opinion held that the protection of administrative rights should be referred to the judiciary. The prerequisite for the development of administrative justice was the separation of the different branches of State power. The

Napoleonic system served as a model that attempted to protect the judiciary from the influence of the executive branch, but also to protect the executive branch from the classical judiciary. The model institution for this was the *Conseil d'Etat*, the first independent administrative court, which was strictly separated from the ordinary court system. Some countries adopted this model unchanged, but it arrived in Central Europe in a somewhat modified form. The version known in legal literature as the German model is more closed to the executive power and less closed to other courts than the original French model. Hungary adopted the latter version, but with further modifications.

As a first step, immediately after the Austro-Hungarian Compromise, the separation of the judiciary and the executive was implemented in 1869. At the same time, judicial protection had to be ensured in some areas against the executive power. One of the first such areas was electoral adjudication, which was entrusted to the Curia from 1874 onwards. We still exercise this power today.

The next challenge for Hungarian legislators was to remedy complaints related to the imposition and administration of taxes. In 1879, the Finance Committee of the House of Representatives adopted a resolution proposing the establishment of an administrative court. The Act on the Financial Administrative Court came into force in 1884. This special tax court was so successful that the National Assembly continued along the same path. In the millennium year of 1896, an act of law was passed establishing the Royal Administrative Court, which absorbed the former Financial Court. The Royal Administrative Court was also a special court, not part of the ordinary court system, and its President was equal in rank to the President of the Royal Curia.

The 1907 legislative amendment concerning the jurisdiction of the Royal Administrative Court made it possible to appeal against ministerial decrees if they violated the powers granted to territorial authorities by law. As a court exercising norm control, the Royal Administrative Court was the “grandfather” of the later Constitutional Court. For the sake of order: in this logic, the Royal Curia was its “great-grandfather”. During its existence, the Royal Administrative Court sought to protect and strengthen constitutional functioning in Hungary, both in the 1930s and during World War II. Nothing illustrates this better than the fact that it was unanimously recognized by the legal profession. Let me quote a single assessment: “Logically, only one type of person can speak out against public law adjudication: those who want dictatorship”.

It is not surprising that the Administrative Court was abolished in 1949 by the Soviet-style dictatorship that emerged after World War II, similarly to other oppressed States in Central Europe. This basically eliminated – or, to be more precise, reduced to a sub-minimum – the judicial control over public administration. What remained took place within the framework of civil litigation. In essence, it did not take place at all.

After the democratic transition in 1989, the National Assembly restored the possibility of administrative justice, stipulating that “the court shall review the legality of administrative decisions”. This proved to be one of the crowning achievements of Hungary’s return to the rule of law. However, effective, general administrative justice covering all types of cases was ensured by a decision of the Constitutional Court in December 1990. Since then, genuine administrative justice based on the rule of law has, once again, been in existence in Hungary. We can say that this is the “crown jewel” of constitutional control over public administration.

There is no doubt that administrative justice has been comprehensive and universal since the democratic transition, but it is not exercised by continental-type administrative courts, but by

ordinary courts: eight high courts, the Regional Appellate Court of Budapest, and ultimately the Administrative Chamber of the Curia. This is interesting, because after 2018 there was an attempt to re-establish a separate administrative court. However, according to the opinion of certain institutions of the European Union and the Council of Europe, this would have violated the rule of law. In other Central European countries, the rule of law required that such a court be established. This is the certainty of the rule of law...

The institutional form is, of course, not of primary importance. What is important is that judicial control over public administration exists, functions, and is comprehensive and universal in Hungary. Let me risk to state that, compared to the 19th-century requirements, administrative justice integrated into ordinary courts is even better suited to today's needs. This exists elsewhere too – primarily in common law countries – and ultimately there is also such a tradition in the Hungarian justice system.

Nonetheless, it can be said that, on the 130th anniversary of administrative justice this year, the Curia is striving to fulfil its statutory duties to the best of its ability, in line with its finest historical traditions, including its duties related to administrative justice. We ensure that the constitutional order is maintained. We do this by preserving our legal traditions, while at the same time attempting to harmonize them with actual legal requirements. What else can we do? Harmonizing tradition and modernity is itself one of our traditions.

Thank you for your kind attention!