

**Examination of the courts' jurisprudence
in respect of the theoretical and practical issues of judicial certainty**

Nowadays, one of the main lines of development of the legal literature on civil procedural law is that the courts' focus gradually shifts from the requirement of ascertaining the objective reality of the case's factual background to an approach that rather considers judges as conflict managers in legal disputes brought before them. One of the main questions of civil procedures aiming at conflict management and conflict resolution and at ensuring legal certainty is to what extent must the court be convinced of a fact during the taking of evidence in order to base its judgement on the existence of that fact. If the court's evidence taking no longer serves the purposes of delivering a decision on the merits of the case and it results in delay and excessive expenses, then at that point the taking of evidence becomes unnecessary. With regard to the above, the President of the Curia decided to set up a jurisprudence-analysing working group on the theoretical and practical issues of judicial certainty. The working group seeks to examine the courts' case-law, the relevant legal theories and legal literature, and to formulate guidelines and proposals to promote i) the better understanding of notions and substantive requirements in respect of judicial certainty and ii) the optimisation of the time and energy investment and the costs of evidence taking.

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