

New methods for ensuring uniform jurisprudence



Dear Reader,

In compiling the Yearbooks of the previous years we always managed to find, without any specific or lengthy deliberation, a slogan capable of perfectly capturing the activities of the given year. We have already had a Year of Initiatives, a Year of Challenges and a Year of Elections. In the past year the dilemma we have pondered over most was by what means and methods could we best serve the goals set forth in the preceding three years, raise professional standards, and promote a uniform approach to law.

Following the entry into force of the new Civil Code, I set up a so-called “New Civil Code” Presidential Consultative Body with a view to creating a forum for legal researchers and legal practitioners to monitor together the practical application of the new Code, which already comprises family law and company law as well. As a result of the operation of this body, deep professional discussions enabling to form opinions on certain issues have been had. As this body is not part of the court system, its opinions do not have any binding effect. However, as the creator of this body I strongly believe that the reflections expressed by this body may assist justice-seeking members of the general public in the initial steps of the application of this new private law code of historical significance. The opinions of this body are available on the Curia’s regularly updated website (<http://www.kuria-birosag.hu/hu/ptk>).

We have wished to strengthen the ties between the Curia and the regional courts of appeals, whose activities are similar to the Curia’s remedial functions. We have been looking for forums suitable for identifying a lack of uniformity of law and for regularly monitoring the court decisions that are entered in the court decisions’ database. To this end we have, together with the Debrecen Court of Appeal, carried out a joint jurisprudence-analysis of the cases not having reached the Curia by way of ordinary or extraordinary remedies. The relevant summary is available on the Curia’s website (judicial practice concerning regulatory offences).

We have created the position of *liaison judge* for keeping contact between the relevant departments of the lower courts and of the Curia. Acting in this capacity, the liaison judges of the Curia keep personal contact with the relevant departments of the regional-level courts. (For the sake of non-lawyer readers at this juncture I note that this kind of cooperation helps to raise and channel problems related to the uniform application of law by the courts, and not to adjudicate individual cases.)

The practice of holding joint sessions with the participation of the respective departments of the Curia and of the regional courts of appeals has also been established.

The Curia has made it a priority to constantly monitor the judicial application of the new Civil Code having entered into force on 15 March 2014 and to give timely answers to problems arising in connection with the interpretation of the new piece of legislation. In order to jointly identify and discuss the problems, I created a framework for the setting up of so-called *jurisprudence-analysing working groups* for monitoring court practice on certain legal institutions introduced by the new private law Code. For the examination of certain legal institutions, national jurisprudence-analysing groups have been set up. Members of the jurisprudence-analysing groups may keep contact with each other and may discuss any interpretation-related issue via virtual discussions; in case of demand to that effect personal meetings can also be held.

I see the main benefit of these new methods in particular in the fact that judges may join, on a voluntary basis, a professional community cross-cutting the organisational-structural framework of the court system, and may directly impart and receive information about the dilemmas arising in connection with the application of law by the courts. All this may significantly accelerate the flow of information within the court system and may improve the efficiency of the professional guidance provided by the higher courts.

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