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mađarski

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National justice systems

Mađarska

This section provides an overview of the court system in Hungary.

Administration of the courts

The President of the National Judicial Office

The central administration of the courts is managed by the President of the **National Judicial Office (NJO)**, supported by the General Vice-President and further Vice-Presidents, as well as by the NJO's staff. The administrative work of the President of the NJO is supervised by the National Judicial Council (NJC). The President of the NJO is responsible for the conduct and efficiency of the central administration and for the performance of its duties in a manner compatible with the constitutional principle of judicial independence, insofar as this is provided for by law. In exercising his or her administrative powers, the President of the NJO hands down decisions, regulations and recommendations.

The President of the NJO is elected by a two-thirds majority of the members of the Hungarian Parliament, on the recommendation of the President of the Republic. Only a judge may be elected as President of the NJO.

The National Judicial Council

The **National Judicial Council (NJC)** is the body that supervises the central administration of the courts. The NJC has its seat in Budapest and consists of 15 members. The President of the *Kúria* (Supreme Court) is a member of the NJC, whereas its other 14 members are elected at a meeting of judge delegates from among the delegates by simple-majority, secret ballot voting. At the first meeting, the judge delegates elect one judge from a court of appeal, five from general courts, seven from local tribunals and one from a labour court. (District courts, administrative and labour courts will commence operations on 1 January 2013.)

Organisation of the courts

In Hungary, justice is exercised by the following types of courts:

The *Kúria* (The Supreme Court of Hungary);

regional courts of appeal ('*ítélőtáblák*' in Hungarian);

general courts ('*törvényszékek*' in Hungarian);

district courts ('*járásbíróságok*' in Hungarian) and

administrative and labour courts.

The courts' **area of jurisdiction** generally corresponds to administrative boundaries, with the name of a court indicating the location of its seat.

Non-professional judges (*nem hivatásos bíró*) may participate in judicial proceedings as **assessors** in certain cases and under conditions prescribed by law, but only **professional judges** may act as single judges (*egyesbíró*) or presidents of council (*tanácselnök*).

Professional judges are appointed by the President of the Republic and may be removed from office only on the grounds, and in accordance with the procedures, specified by law. Judges are independent and subject only to the law, and they may not be members of political parties or involved in political activities.

Hierarchy of the courts

District courts, administrative and labour courts

District courts and administrative and labour courts hear cases in the **first instance**. (Until 31 December 2012, cases are heard in the first instance by local courts and labour courts.)

An **administrative and labour court** hears cases concerning the judicial review of administrative decisions or relating to employment and similar relations (and other cases referred to them by law).

Sections may be established within the district courts and administrative and labour courts for handling specific types of cases.

General courts

General courts hear cases in the **first instance** where the law so provides, and also hear **appeals** brought against decisions handed down by local courts and labour courts before 31 December 2012 or by district courts or administrative and labour courts after 1 January 2013.

General courts operate in the form of **panels** (*tanács*), **sections** and **criminal, civil, economic, administrative and labour divisions** (*kollégium*). Various divisions may also function collectively.

Specific cases are heard by **military tribunals** (*katonai tanács*) at designated general courts, with defined areas of jurisdiction.

Regional Courts of Appeal

Regional courts of appeal operate in **Debrecen, Szeged, Budapest, Győr** and **Pécs**. These courts hear **appeals** filed against decisions handed down by local and general courts before 31 December 2012 or by district and general courts after 1 January 2013 in cases specified by law, and hear other cases referred to their jurisdiction by law. Until 31 December 2012, appeals in administrative cases are heard by the Budapest Court of Appeal.

The regional courts of appeal contain **panels** and **criminal and civil divisions**. Until 31 December 2012, the Budapest Court of Appeal also has an administrative division.

Areas of jurisdiction

Szeged Regional Court of Appeal: Csongrád, Bács-Kiskun and Békés county;

Pécs Regional Court of Appeal: Baranya, Somogy, Tolna and Zala county;

Debrecen Regional Court of Appeal: Hajdú-Bihar, Borsod-Abaúj-Zemplén, Jász-Nagykun-Szolnok and Szabolcs-Szatmár-Bereg county;

Győr Regional Court of Appeal: Győr-Moson-Sopron, Komárom-Esztergom, Vas and Zala county;

Budapest Regional Court of Appeal: Budapest, Fejér county, Heves county, Pest county and Nógrád county.

The *Kúria* (Supreme Court)

The **Kúria** is the supreme judicial body of Hungary and has its seat in Budapest. The *Kúria* or Supreme Court ensures that courts apply the law uniformly and adopts law harmonising decisions to this end which are binding on all courts.

The President of the Supreme Court is elected by the Hungarian Parliament, with a two-thirds majority of its members, on the recommendation of the President of the Republic. Only a judge may be elected as President of the Supreme Court. The President of the Republic appoints the Vice-Presidents of the Supreme Court on the recommendation of the President of the Supreme Court.

The *Kúria* (Supreme Court)

hears **appeals** filed against decisions handed down by **general courts** and **regional courts of appeal** (in cases specified by law);

hears **motions for review** (*felülvizsgálati kérelem*);

adopts **law harmonising decisions** (*jogegységi határozat*) which are binding on all courts of justice;

analyses the case law established by final judgments, and audits and reviews the general adjudication practice of the courts;

adopts **judicial decisions** and **judgments of legal principle**;

adopts decisions on the incompatibility of **local authority decrees** with other laws and on the annulment of such decrees;

adopts decisions establishing that a local authority has failed to meet its obligation to enact legislation, as specified by law, and

hears other cases referred to its jurisdiction.

The Supreme Court consists of adjudication and harmonisation panels (*ítélkező és jogegységi tanács*), panels concerning municipal administration and decisions of legal principle, as well as criminal, civil and administrative and labour divisions (*kollégium*) and sections for case law analysis.

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