

AN ANALYSIS OF THE COST STRUCTURE OF JUDICIAL ENFORCEMENT PROCEDURES IN HUNGARY: LEGAL, ECONOMIC, AND COMPARATIVE PERSPECTIVES

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*„You know it well, the poet never lies;
tell the full truth, not only that which is,
tell of that light which flames up in our brain:
when we're apart, in darkness we remain.”*

Abstract

This study offers a comprehensive legal and economic analysis of the cost structure of judicial enforcement procedures in Hungary, with particular emphasis on the delicate balance between the remuneration and liability of enforcement officers. My commitment to the topic was inspired by my personal experience of being convicted by the court responsible for conducting the enforcement in a manner that could only be remedied through a separate lawsuit after a protracted period. This incident illustrates the absurd situation that can emerge in the performance of a public duty: the remuneration of an enforcement officer neither keeps pace with changes in the prices of goods and services nor reflects prevailing inflation and wage trends, while at the same time their liability remains for the entire claim, in all cases.

The study places particular emphasis on the irregularities identified in the reports of the Commissioner for Fundamental Rights (AJB-1876/2011,³ AJB-4756/2012⁴), such as disproportionately high costs and a lack of legal certainty. The study examines the changes and effects of the decrees governing the fees of judicial enforcement officers (14/1994. (IX. 8.) IM; 35/2015. (XI. 10.) IM; 8/2021. (X. 29.) SZTFH) and reviews relevant judicial decisions that illuminate the challenges of legal practice. It employs legal, economic, and comparative methodologies, drawing on both national and international literature and analyzing the enforcement fee systems of neighbouring countries—Austria, Croatia, Serbia, Slovakia, Slovenia, and Romania. Particular attention is devoted to the relationship between enforcement officers' remuneration and that of other legal professions, as well as its impact on debtors, compliance behavior, and the overall efficiency of enforcement. The research seeks to identify weaknesses in the current system and to formulate recommendations aimed at enhancing legal certainty and efficiency, while also taking into account economic rationality and lessons derived from international experience.

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² Excerpt from the poem "Welcome for Thomas Mann" by Attila József; translated by Zsuzsanna Ozsváth and Frederick Turner.

³ AJB-1876/2011, "On the remuneration of enforcement officers and legal representatives of the enforcing party", retrieved 4 March 2024 Retrieved: 4 March 2024.

⁴ AJB-4756/2012, "On the Costs of Enforcement Proceedings", Retrieved 4 March 2024

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Introduction: The Significance and Costliness of Judicial Enforcement in Hungary

An effective and fair judicial enforcement procedure is of fundamental importance for upholding the rule of law and ensuring legal certainty. In a constitutional state, it is essential that court decisions be enforceable, and that legal certainty be underpinned by transparency, predictability, and the calculability of procedural costs. The operation of the enforcement system is not merely a legal matter but also a fundamental social and, undeniably, economic concern that directly influences public trust in the rule of law and economic stability. As has been aptly observed, “if the enforcement system is weak or easily circumvented, this inevitably leads to the devaluation of court decisions, the erosion of legal consciousness, and a violation of the rule of law.”

Accordingly, addressing cost-related issues is not merely a matter of alleviating individual burdens, but also of safeguarding the integrity of the legal system and fostering broader public trust.

In Hungary, the costs associated with judicial enforcement procedures – particularly the remuneration of independent judicial enforcement officers – have long been the subject of debate and have increasingly overshadowed the professional challenges of the field. In recent years, numerous concerns have been voiced regarding disproportionately high fees, especially in cases involving low-value claims or multiple jointly liable debtors.

The first legislative step towards addressing this issue was taken with the adoption of Act XC of 2001, which amended the provisions of Act LIX of 1993 on the Parliamentary Commissioner for Citizens’ Rights to allow the ombudsman to investigate the activities of independent judicial enforcement officers. This amendment explicitly extended the jurisdiction of the Parliamentary Commissioner to encompass enforcement officers (Juhász, 2007). Under the current law on the Commissioner for Fundamental Rights, any person may submit a complaint against an enforcement officer if they believe that the officer’s actions or omissions violate, or pose a direct threat to, their fundamental rights, provided that all legal remedies have been exhausted or are unavailable.⁵

The Commissioner for Fundamental Rights (AJB) has identified constitutional concerns regarding enforcement costs in several reports (AJB 1876/2011, AJB 4756/2012), highlighting potential violations of legal certainty and the right to a fair procedure. According to the AJB’s findings, enforcement fees may, in certain cases, be disproportionately high in relation to the value of the claim—particularly in proceedings involving jointly liable debtors. This situation underscores a fundamental tension between financing the state’s coercive apparatus and safeguarding the fundamental rights of citizens. The concern arises not only from the nominal amounts charged, but also from the disproportion between the fee structure (such as success fees or fixed fees) and the value of the claim, which may itself give rise to constitutional doubts.

This study aims to provide a comprehensive legal and economic analysis of the cost structure of judicial enforcement procedures in Hungary and to formulate recommendations for enhancing legal certainty and procedural efficiency.

⁵ Section 18 (1) (k) of Act CXI of 2011

Detailed Analysis of the Cost Structure of the Hungarian Enforcement System: Remuneration and Proportionality in the Work of Independent Judicial Enforcement Officers

The cost elements arising in judicial enforcement proceedings are diverse. Some are incurred even before the enforcement procedure formally begins – at the stage of ordering enforcement, such as the issuance of an enforcement order or writ of execution. These costs are already embedded in the enforceable instrument transmitted to the independent judicial officer (Trunkos, 2012). Other cost components arise directly from the judicial officer's activities. Inevitably, the application of state coercion in response to non-compliance with voluntary performance generates additional expenses. Owing to the nature of the proceedings, these costs can be grouped into two main categories: those related to the ordering of enforcement and those related to its execution (Petrovicz, 2014). This study focuses exclusively on the latter.

In Hungary, the remuneration of independent judicial officers comprises several components: enforcement costs generally consist of a service fee, a lump-sum cost reimbursement, disbursements, and a collection commission. A judicial officer's earnings depend on the number of cases handled, the value of the claims, and the outcome of the proceedings. The regulations governing these components have undergone several amendments, each significantly influencing the overall cost of enforcement. A thorough understanding of the relevant decrees – 14/1994. (IX. 8.) IM; 35/2015. (XI. 10.) IM; and 8/2021. (X. 29.) SZTFH – is essential to grasping the nature and impact of these changes.

The judicial officer's service fee is calculated as a percentage of the claim value, subject to minimum and maximum thresholds, and is tied to the initial claim amount under both current and previous regulations. For instance, under the 1994 regulation, the service fee for enforcement cases below HUF 100,000 was set at HUF 4,000. This was increased to HUF 9,000 under Decree 35/2015 IM and retained by Decree 8/2021 SZTFH. Until 28 June 2013, however, the regulation did not fix the calculation base to the claim value as of the date the enforcement case was received. As a result, both the service fee and the associated lump sum cost reimbursement rose in proportion to the growth of the claim. This approach was altered by Section 1 of Decree 6/2013 (V. 30.) KIM, which amended several justice-related ministerial decrees. Consequently, cost calculations based on subsequent changes to the claim became detached from its actual status. In my view, the apparent increase in service fees is therefore only superficial.

The lump sum cost reimbursement has always been linked to the amount of the service fee,⁶ so any change to the latter has inevitably affected the former. This lump sum is intended to cover⁷ general office and administrative expenses and, with some exceptions⁸ typically amounts to 75%, 50%, or 35% of the service fee. In cases of debtor compliance, the judicial officer is entitled to a collection commission, calculated as a percentage of the amount recovered. Decree 35/2015 IM, however, reduced the previously applicable rates (e.g., from 10% to 8% for amounts recovered under HUF 100,000) and introduced an upper limit.

As noted in the introduction, the reports of the Commissioner for Fundamental Rights (AJB-1876/2011 and AJB-4756/2012) emphasized that judicial officer fees –

⁶ Decree No. 8 of 2021 (X. 29.) Section 6., 8. (6), 10. (1) a) – b), 12., 17., 18. (1) a) – c), és 18. (2), 27.

⁷ Decree No. 8 of 2021 (X. 29.) Section 6.

⁸ The travel cost allowance (HUF 2,500 or HUF 3,500) and the service of process cost allowance (HUF 1,500) are fixed amounts.

particularly in proceedings involving jointly liable debtors – may be disproportionately high in relation to the value of the claim, thereby violating the constitutional requirement of legal certainty. According to the Commissioner, excessive costs can discourage debtors from making payments and may exacerbate their indebtedness. The fee structure, especially the calculation of fixed fees and collection commissions, can produce paradoxical effects. Fixed fees may impose disproportionately heavy burdens in low-value cases, while commissions are calculated on the full claim amount, irrespective of any partial waivers. This accounting method can further increase the burden on debtors and discourage compliance, as enforcement costs may become detached from the actual amount recovered. The disparity between the fee structure and the sums actually recovered reveals a structural flaw in the system, which can result in disproportionate outcomes.

However, I must emphasize that, in my view, the report’s conclusion – that high enforcement costs deter debtors from paying – is logically flawed. Debtors are already in default, whether through fault or not, and, following a final court decision, become subject to state coercion. Before enforcement proceedings are initiated, several avenues are available to avoid them – such as reminders, payment concessions, rescheduling, debt replacement, settlement, or contesting the claim in court. Failure to make use of these opportunities suggests that the individuals concerned were not primarily deterred by enforcement costs, but rather were indifferent to them.

If the authorities responsible for applying state coercion lack adequate resources, their ability to perform their duties is hindered, and may even be rendered impossible. Moreover, a weak system encourages individuals to take on obligations without fear of consequences. From a legal perspective, it is deeply concerning that the waiver of a claim – which has clear accounting and tax implications – can be regarded as a rational economic decision. Such a unilateral decision by the creditor significantly affects the rights or legitimate interests of others and benefits those who fail – or are temporarily unable – to meet their obligations, without extending comparable fairness to those who do fulfil theirs.

The table below provides a detailed overview of the principal components of court judicial officers’ remuneration, as set out in the relevant decrees:

Table 1. Evolution of the Cost Components of Judicial Officers’ Fee Structures under the 1994, 2015, and 2021 Decrees

Cost Element / Regulation	Decree 14/1994 (IX. 8.) IM (Original Regulation - as published)	Decree 35/2015 (XI. 10.) IM (Amendments and Clarifications)	Decree 8/2021 (X. 29.) SZTFH (Latest Major Amendment)
Service Fee	Tiered fee based on the value of the case, with minimum and maximum limits. E.g., for a case value below HUF 100,000, the fee is HUF 4,000.	Clarifications in the tiered fee system according to case value. In some cases, the fee increased – e.g., for case values under HUF 100,000, the service fee rose from HUF 4,000 to HUF 9,000. Introduction of fee caps.	Maintains the tiered, percentage-based system, with refinements and clarifications in fee determination. (E.g., for case values under HUF 100,000: HUF 9,000.) Fee caps remain.

Cost Element / Regulation	Decree 14/1994 (IX. 8.) IM (Original Regulation - as published)	Decree 35/2015 (XI. 10.) IM (Amendments and Clarifications)	Decree 8/2021 (X. 29.) SZTFH (Latest Major Amendment)
Flat-Rate Costs	General flat-rate costs (as a percentage of case value, with minimum/maximum limits) and travel cost allowance.	Distinction made between general and travel flat-rate costs, with clarified percentage rates and upper limits.	Maintains the general and travel flat-rate costs, with updated percentage rates and upper limits.
Commission	Payable to the judicial officer in case of debtor's performance, based on the percentage of the recovered amount.	The commission rate was modified, typically reduced. E.g., for recovered amounts under HUF 100,000: from 10% to 8%. Upper limit introduced.	No changes compared to the previous regulation; still calculated as a percentage of the recovered amount. The upper limit remains.
Cash Expenses	Directly related and duly justified costs of enforcement (e.g., postage, transportation, sealing and opening costs, witness fees). Initially advanced by the creditor/judicial officer, but may be reimbursed by the debtor/creditor.	Defined and clarified the scope of cash expenses and the method of accounting.	Maintains the reimbursement system of cash expenses, with clarifications. The regulation specifies which costs qualify as reimbursable expenses.

Source: own work

For debtors, enforcement-related costs can pose a problem at least as serious as the repayment of the debt itself. Under the previous regime, each procedural act in enforcement proceedings was associated with a corresponding fee, reflecting the “directing role” of the enforcing party in the process. Amendments to the Act on Judicial Enforcement (Vht.) have introduced several provisions expressly aimed at improving the debtor’s position. One such provision stipulates that enforcement shall not proceed where the realization of the claim would not be justified on grounds of expediency, economic efficiency, or financial considerations – that is, where the workload and cost burden of the proceedings would significantly exceed the amount to be recovered.

After the entry into force of the Vht., a significant shift occurred: the act no longer set out the principles of the fee schedule, instead referring the matter to separate legislation. This legislation introduced a so-called “summary fee schedule,” under which the judicial officer’s service fee was determined on the basis of the case value, specific procedural

acts, or the duration of the proceedings. At the same time, the statutory threshold for the collection of “insignificant” (bagatelle) debts was abolished (Kormos, 2002).

Uncertainty in the Interpretation of Law and the Diversity of Judicial Practice

Overview and Analysis of Relevant Judicial Decisions

It has become a fundamental expectation that enforcement by judicial officers be conducted lawfully, professionally, and empathetically. The objectivity of enforcement is maintained through adherence to professional standards. In theory, professionalism serves as a safeguard for objectivity over subjectivity. In practice, however, certain professional matters may be approached in multiple ways, even while maintaining objectivity. Consequently, the notion of absolute objectivity in professional activity remains open to question.

According to Weberian theory, professionalism can be achieved only if the rules governing the activity are clear and transparent. Effective functioning therefore requires precise regulation. At this point, lawmaking and enforcement intersect, forming a cornerstone of the rule of law. The applicable rules extend to even the smallest details of official activity (Birher, 2022).

Based on these considerations, it should be emphasized that, with regard to judicial decisions as manifestations of objectivity, Section 163 (2) of Act CLXI of 2011 on the Organization and Administration of Courts provides that “publication is not required.” In my view, this clearly means that courts are under no legal obligation to publish their rulings. However, the provision does not preclude the publication of decisions rendered in enforcement proceedings. It is reasonable to presume that the current lack of institutional capacity limits the practical realization of the demand for access to such rulings. At present, neither the courts nor legal practitioners have sufficient access to the substance of individual rulings to study and apply consistent judicial practices.

Nevertheless, there is a genuine opportunity for judicial officer associations to initiate the establishment of a database of anonymized rulings – at least from second-instance courts – aimed at fostering consistent jurisprudence.

Interpretive uncertainties in the regulations on judicial officer remuneration, combined with divergent judicial practices, significantly diminish the predictability of enforcement proceedings and undermine the principle of legal certainty. According to Petrovicz’s study, courts interpret and apply the provisions on enforcement costs inconsistently, creating uncertainty as to the legality of recoverable expenses (Petrovicz, 2014). This legal uncertainty not only renders proceedings unpredictable for the parties but also increases the burden on the courts and, over time, erodes trust in the legal system.

A detailed examination of judicial decisions, illustrated with specific examples, can serve to substantiate these concerns.

Szombathely Regional Court of Appeal – Order No. Pkf.20.539/2020/3/I

Summary

The applicant (claimant) challenged the provision of the fee schedule mandating the payment of a collection commission, arguing that it was disproportionate to the amount

actually recovered and failed to reflect the principle of proportionality in enforcement. The applicant further contended that no tax liability arose under applicable tax law. The case concerned an enforcement objection relating to the calculation of the judicial officer's commission and service fee.

The district court upheld the objection and ordered the judicial officer to pay 20% of their service fee. On appeal, however, the regional court overturned this decision and dismissed the objection, holding that the judicial officer's conduct did not violate the law and that the service fee was not subject to reduction.

The dispute illustrates the persistent legal uncertainties surrounding the lawfulness of calculating judicial officers' fees – particularly the collection commission and service fee – even in cases where the debtor has complied with the obligation or the claim has been waived.

Relevance

This decision underscores the legal controversies surrounding the lawfulness of judicial officer remuneration, particularly in the calculation of collection commissions and service fees, irrespective of whether the debt was recovered or the claim was waived. It demonstrates that divergent interpretations of fee-related regulations continue to undermine legal certainty.

Budapest Regional Court of Appeal – Order No. 48.Pkf.636.090/2019/2

Summary

Similar to the previous case, the applicant (enforcing party) challenged the amount of the commission stipulated in the fee schedule. The court held that the collection commission must be calculated on the basis of the total amount of the claim, irrespective of whether part of the claim is later waived. It further ruled that the enforcing party's decision to waive the debt is irrelevant to the judicial officer's entitlement to the commission. The court upheld the fee schedule applied by the judicial officer.

Relevance

This decision is significant in understanding the method of calculating the collection commission, as it demonstrates that enforcement costs may be independent of the amount actually recovered. Although, at first glance, the ruling might suggest an increased burden on the debtor, the fee schedule in question was issued against the enforcing party. This indicates that the debtor had either fulfilled the obligation to the enforcing party or that the enforcing party had waived the claim – meaning the debtor's financial burden did not increase. At most, the rules of financial settlement may have been breached. However, any consequences arising from such a breach would not directly affect either the debtor or the enforcing party and thus fell outside the scope of the court's assessment in this ruling.

Szombathely Regional Court of Appeal – Order No. Pkf.20.551/2020/3/1

Summary

In this case, the court reviewed an enforcement objection concerning the judicial officer's fees, which had been calculated on the basis of the total value of the case rather than the amount actually recovered. The first-instance court upheld the objections raised by both the debtor and the enforcing party, annulled the judicial officer's measure, and ordered the judicial officer to forfeit 20% of the service fee.

On appeal, the regional court overturned the first-instance decision, rejected the objections of both the debtor and the enforcing party, and upheld the judicial officer's action. The court held that the judicial officer's conduct did not violate the law and that the related costs were therefore not subject to reduction.

Relevance

This decision again addresses the legality of judicial officer fee calculations and reinforces the judicial practice that the lawfulness of judicial officer actions and the correctness of their fees must be subject to review. However, it also confirms that any agreement between the debtor and the enforcing party cannot override the statutory rules governing fee calculation.

Gyula Regional Court of Appeal – Order No. 15.Pkf.25.208/2025/2

Summary

The court confirms that the judicial officer's obligation to issue a fee schedule and the claimant's duty to reimburse enforcement costs remain in effect even if the enforcement procedure is suspended under Section 52(b) of the Act on Judicial Enforcement (Vht.). The court upheld the first-instance decision and dismissed the enforcing party's objection, which was based on the argument that the fee obligation only arises in cases suspended under Section 52(d) of the Vht.

The ruling emphasizes that issuing a fee schedule is mandatory upon administrative closure of the case, and reimbursement of the costs is the responsibility of the enforcing party – unless a statutory exception explicitly provides otherwise.

Relevance

This decision highlights that the obligation to account for enforcement costs may be broader than some parties assume. Significant costs can arise even when the enforcement procedure is suspended, and neither the Hungarian Chamber of Judicial Officers (MBVK) nor the judicial officer is required to bear them. It affirms that the fee schedule must be issued upon case closure and that cost reimbursement is the responsibility of the enforcing party – demonstrating that cost obligations may exist even when enforcement is not actively ongoing.

The judicial decisions referenced collectively indicate that the relevant legal provisions lack sufficient clarity, leading to ongoing interpretive disputes that, in turn, prolong enforcement proceedings. Even unsuccessful proceedings have frequently resulted in conflicts between the judicial officer and the enforcing party.

A frequently cited precedent in multiple rulings is Decision No. BDT.2002.645.9 Regarding this decision, Hanzó argued – in the context of suspended enforcement procedures – that “judicial practice to this day relies on a now-repealed provision and earlier rulings based on it (e.g., BDT.2002.645) for justification, which is likewise unlawful (Hanzó, n. d.). She further noted that, in suspended cases, the intention of the legislator was allegedly to share the cost risk between the enforcing party and the judicial officer, thereby incentivizing the independent judicial officer to continue working substantively.

However, in Hanzó’s view, this interpretation is flawed: enforcement procedures are initiated at the cost risk of the enforcing party, not the judicial officer. Suspension does not constitute final cost liability but merely reflects the procedural status at a given moment, which may change if the proceedings are resumed under appropriate conditions. In such cases, final cost settlement has not yet been determined, and enforcement expenses are advanced by the enforcing party in accordance with Section 34 (1) of the Act on Judicial Enforcement (Hanzó, n. d.).

In contrast, Gyovai maintains that upon the administrative closure of an enforcement case, it is the judicial officer’s obligation to issue a fee schedule (Gyovai, 2014). If the amount specified in the fee schedule exceeds the enforcement costs advanced at the commencement of the proceedings, the difference must be recorded as a payable balance. At this stage, however, the enforcing party cannot yet be required to pay, since that party has merely advanced the amount and the ultimate cost is borne by the debtor. In such cases, the judicial officer must account for the advance and indicate the outstanding amount as a pending balance. According to Gyovai, neither party can be compelled to pay this difference at this point, as the outcome of the proceedings remains uncertain (Gyovai, 2014).

In my view, suspension reflects a procedural status rather than a prediction of the final outcome of the enforcement proceedings. If, upon administrative closure, enforcement costs remain – particularly actual out-of-pocket expenses advanced by the judicial officer or travel cost allowances incurred in the course of their work – it would be paradoxical to assert that the judicial officer should bear these costs. This position, I believe, is reinforced by the decision of the Gyula Regional Court in Order No. 15.Pkf.25.208/2025/2.¹⁰

⁹ When a claim is uncollectible and no payment is recovered by the enforcing party from the debtor’s obligation, the judicial officer – although required to issue a fee schedule even in the event of suspension – may not call upon the enforcing party to pay or bear any additional costs beyond the previously advanced enforcement expenses.

¹⁰ Gyula Regional Court of Appeal – Order No. 15.Pkf.25.208/2025/2

Summary

The case concerned the interpretation of a judicial officer’s entitlement to issue a fee schedule in suspended enforcement proceedings. The enforcing party argued that payment obligations under Decree No. 8/2021 (X. 29.) of the Regulatory Authority for Supervisory Activities (Vdsz.) apply only in cases of suspension under Section 52(d) of Act LIII of 1994 on Judicial Enforcement (Vht.). In all other suspension cases – such as those under Section 52(b) – there would be no legal basis for imposing a fee payment obligation. On this basis, the enforcing party claimed that the judicial officer’s request for payment was unlawful.

The judicial officer, however, contended that while the Vdsz. contains provisions specific to administrative closures under Section 52(d) Vht., it also mandates fee issuance in broader circumstances. Referring to Section 28(3)(g)–(h) of the Vdsz., the judicial officer maintained that issuing the fee schedule was lawful and that neither the Vht. nor any higher-ranking legislation requires judicial officers to advance or bear enforcement costs. Consequently, any statutory rule to the contrary would be invalid under the principle of legal hierarchy.

The court held that, under Section 28(1) of the Vdsz., the judicial officer is obliged to issue a fee schedule within 15 days of the administrative closure of the proceedings. The schedule must include all applicable

Based on the above, only Hanzó's reasoning appears compatible with the interpretive principles set out in Article 28 of the Fundamental Law of Hungary.¹¹

It may be concluded, based on the cases discussed and earlier literature on fee regulation, that the parties involved – and even the courts – have often interpreted the fee rules differently. As a result, the costs owed to judicial officers are frequently challenged during proceedings (Pap, 2024). This divergence in interpretation presents a serious legal issue, one for which even first- and second-instance courts often reached conflicting conclusions, thus creating inconsistency in judicial practice.

This longstanding uncertainty in the application of the law not only renders proceedings unpredictable for the parties and casts doubt on the legality of the judicial officer's actions, but also increases the burden on the courts and, over time, undermines public trust in the legal system.

Differences Between Notarial and Judicial Fees

The reports of the Commissioner for Fundamental Rights, as referenced in this study, highlight that the cost of performing the same official function – namely, the issuance of an enforcement clause – may vary significantly depending on whether it is carried out by a notary public or a court. Such discrepancies raise concerns regarding legal certainty and the right to a fair procedure.

The State Audit Office of Hungary (ÁSZ) has likewise addressed the issue of notarial and enforcement-related fees, noting that both professional bodies perform public functions for which they are entitled to remuneration prescribed by law. Divergent fees for identical public tasks may not only infringe the principle of equal treatment but also create distortions in competition. Creditors will naturally opt for the more cost-effective route, which can, in turn, impose unjustifiably unequal burdens on debtors.

This phenomenon reflects a lack of coherence within the legal system: differing fee structures for identical delegated public authority tasks risk creating an unfair legal environment, contrary to the principles of transparency, consistency, and the rule of law.

The Impact of Additional Costs on the Debtor's Burden

Various additional costs incurred during enforcement proceedings – such as the fees of legal representatives or court-appointed guardians – further increase the burden on debtors and contribute to the overall high cost of the system. Reports by the Commissioner for Fundamental Rights have also examined the remuneration of in-house

items – such as the service fee, cost reimbursements, collection commission, and any other entitlements of the judicial officer – as expressly provided by the regulation.

In line with this, Section 28 (3) h) of the Vdsz. requires that the fee schedule must include the amount of costs and fees not covered by the proceeds of enforcement, along with information on the method and deadline by which the enforcing party must settle these costs with the judicial officer.

The court emphasized that only an explicit legal exemption could override this general obligation in cases of suspension under Section 52(b) of the Vht., but such an exemption does not exist in the current text of the Vdsz. Accordingly, the judicial officer acted lawfully in issuing the fee schedule and claiming the uncovered enforcement costs from the enforcing party.

¹¹ Article 28 – Interpretation of Laws by Courts

In the application of laws, courts shall interpret the text of the law primarily in accordance with its purpose and with the Fundamental Law. In establishing the purpose of a law, its preamble and the justification for its adoption or amendment shall primarily be taken into account. When interpreting the Fundamental Law and other laws, it shall be presumed that they serve moral and economic purposes in accordance with common sense and the public good.

legal counsel and attorneys, noting that numerous past complaints have concerned the disproportionate nature of such fees.¹²

The cumulative effect of multiple cost elements – judicial officer fees, notarial fees, legal representation fees, and others – can create a “cost spiral” that renders even small claims unmanageable for debtors. This accumulation of costs may also reduce the efficiency of claim recovery, diminishing the actual percentage of returns to the creditor even in partially successful enforcement cases.

The Commissioner for Fundamental Rights has previously observed that the total cost of enforcement proceedings can reach a level that undermines the overall success of the process, as debtors may choose to conceal their assets rather than pay a significantly increased total debt. This reflects a systemic dysfunction in which the magnitude of cumulative costs undermines the very purpose of enforcement, creating a negative feedback loop: financial pressure discourages repayment, leading to delays or outright failure of the proceedings – and generating further costs.

In my view, however, the Commissioner’s conclusion regarding asset concealment and the debtor’s willingness to pay increased debts appears to rest on a subjective assessment rather than on objective statistical evidence. That said, it remains evident that both debtors and enforcing parties share an interest in minimizing enforcement costs, while courts and judicial officers currently lack effective tools to address situations where the parties mutually agree to suspend or stay the proceedings.

The Economic Reality of Judicial Officer Remuneration: Changes in Real Value and the Evolution of Enforcement Fees under the Relevant Decrees

When it comes to enforcement costs, the interests of the participants in the proceedings differ markedly for understandable reasons. Both the debtor and the enforcing party – who may be required to advance enforcement costs – have a clear interest in minimizing the financial burden of enforcement, that is, ensuring that fees are set as low as possible.

While it is undeniable that debtors could, in theory, avoid enforcement and its associated costs entirely through voluntary compliance, for some this may not represent a realistic option. By contrast, the independent judicial officer has a legitimate interest in ensuring that all costs incurred in the course of enforcement activities are recovered and that remuneration provides a level of financial security proportionate to the responsibilities of the role.

It is apparent – even without detailed empirical proof – that this is also a matter of public interest: if the judicial officer profession does not offer an income commensurate with the high legal responsibilities involved, the recruitment and sustainability of the independent court judicial officer system may be jeopardized. Ultimately, this would undermine the effectiveness of the entire enforcement framework.

Accordingly, the cost of enforcement is a critical consideration for all actors in the enforcement process, and its precise and predictable regulation is a fundamental interest shared by all (Gárdosi, 2017).

Importantly, the judicial officer does not operate in a free market environment offering services at competitive prices. Rather, judicial officers act as agents of state authority, and their remuneration – including service fees, flat-rate cost reimbursements, out-of-pocket expenses, and commissions – is determined by a decree formerly issued

¹² State Audit Office of Hungary. (2021). *Analysis of Notarial and Enforcement Activities*.

by the Minister of Justice and now by the Regulatory Authority for Supervisory Activities (SZTFH).

This analysis begins with Decree No. 14/1994 (IX. 8.) of the Minister of Justice, adopted in connection with the entry into force of Act LIII of 1994 on Judicial Enforcement. At that time, the lowest judicial officer service fee – for cases under HUF 100,000 – was set at HUF 4,000. This was subsequently increased to HUF 9,000 under Decree No. 35/2015 (XI. 10.) IM, and this amount was retained by the most recent amendment, Decree No. 8/2021 (X. 29.) SZTFH, which effectively froze the fee structure at the levels established six years earlier.

Comparison with Minimum Wage and Inflation Trends

Based on the data presented below, it is evident that the lowest judicial officer service fee prescribed in judicial enforcement regulations has significantly lagged behind both minimum wage growth and inflation over the past three decades.

According to the Hungarian Central Statistical Office, between 1994 and 2024 the minimum wage increased more than twenty-five-fold (from HUF 10,500 to HUF 266,800), whereas the lowest judicial officer fee increased only 2.25-fold (from HUF 4,000 to HUF 9,000). Had the fee kept pace with minimum wage growth, the original HUF 4,000 base fee would exceed HUF 100,000 today.

Similarly, between 1994 and 2023 cumulative inflation reached nearly 994%, effectively multiplying consumer prices almost tenfold. Yet the HUF 4,000 fee from 1994 had risen to only HUF 9,000 by 2023. If adjusted in line with inflation, the fee would have reached approximately HUF 40,000 in that year.

This represents a substantial decrease in the real value of judicial officers' remuneration, which, over time, could significantly affect both the efficiency and the attractiveness of the profession. In the longer term, such trends may also jeopardize the effective functioning of the justice system itself.

The table below presents a detailed comparison of the lowest statutory judicial officer fee with minimum wage growth and inflation trends:

Development of the Lowest Judicial Officer Service Fee in Relation to Minimum Wage Growth and Inflation, 1994–2024

Table 2. Comparison of Judicial Officer Fees with Minimum Wage and Inflation

Period / Year	Minimum Wage (HUF/month)	Actual (Lowest) Fee (HUF)	Change Basis	Fee Indexed to Minimum Wage (HUF)	Fee Indexed to Inflation (HUF)
1994 (Base)	10500	4000	-	4000	4000
2015	105000	9000	Min. wage increase: 10x	40000	19520
2021	167400	9000	Min. wage increase: ~15.94x	63760	24000

2023	232000	9000	Min. wage increase: ~22.10x	88400	39760
2024	266800	9000	Min. wage increase: ~25.41x	101640	N/A

Source: own work

The Conflict Between Debtor and Judicial Officer Perspectives on the Declining Real Value of Judicial Officer Fees

This analysis highlights the contradictions within the current fee regulation system and raises legitimate questions about the objectivity of the reports issued by the Commissioner for Fundamental Rights. While the Commissioner has previously drawn attention to disproportionately high fees – particularly in relation to the former HUF 4,000 minimum fee in low-value enforcement cases – the real value of this fee has declined sharply when measured against both minimum wage growth and inflation.

From the debtor’s perspective, the present HUF 9,000 fee represents a far smaller financial burden for a minimum-wage earner today than the HUF 4,000 fee did in 1994. Although the problem of disproportionality may persist in cases involving very small, so-called “trivial” claims, broader economic trends indicate that both fixed and percentage-based fees have been substantially eroded by inflation. In such low-value cases – such as parking fines, public transport violations, or unpaid highway tolls – the main burden on the debtor is not the enforcement fee itself, but rather the exponential increase of the base claim over time, or, in some cases, legal representation costs arising from settlement agreements. Moreover, payment notices alone often fail to prompt compliance, as debtors may assume that small-value claims will not be pursued through enforcement at all.

From the judicial officer’s perspective, however, the declining real value of fees threatens the financial viability of judicial officer’s offices, irrespective of the case value. In my view, profitability and procedural efficiency are directly correlated; thus, fee freezes – or, even more so, fee reductions – are likely to undermine the speed and effectiveness of enforcement proceedings. As demonstrated in the previous table, efficiency cannot be sustained solely by freezing fees, and certainly not by lowering them, even in the hypothetical scenario of increased case volumes.

An increase in the number of cases naturally results in a higher workload; however, given the special legal frameworks introduced in recent years (for example, during the COVID-19 pandemic and the ongoing state of emergency related to the war), there has been little to no growth in either the number of enforcement cases or the aggregate value of claims.

The sharp decline in the real value of judicial officer remuneration therefore exposes a latent systemic tension: while debtors – particularly in small-claim cases – may still perceive the fees as high, the handling of such low-value matters is becoming increasingly unprofitable for judicial officers. Over time, this may lead to a decline in service quality or to the gradual neglect of small claims, creating a lose–lose situation that underscores the need for a comprehensive reform of the fee structure.

In conclusion, both the proportionality and the incentive function of judicial officer remuneration are at risk. If this balance is not restored, it may ultimately erode public confidence in the enforceability of final judicial decisions.

Comparative International Analysis: Lessons from the Enforcement Systems of Austria, Croatia, Serbia, Slovakia, Slovenia, and Romania

A comprehensive understanding of the cost structure of the Hungarian enforcement system requires an international perspective, particularly through the examination of practices in neighbouring countries. The enforcement fee systems of Austria, Slovakia, and Serbia – each reflecting distinct regulatory philosophies and institutional arrangements – offer markedly different approaches. Analysing these models may yield valuable insights into enhancing cost-efficiency, proportionality, and transparency within the Hungarian framework.¹³

The *EU Enforcement Atlas* project provides a comparative report offering an overview of enforcement mechanisms in civil matters across the European Union. Effective enforcement of judicial decisions is a cornerstone of the European Area of Justice. At present, however, enforcement remains primarily within the national competence of the Member States, and there is a notable lack of accessible, user-friendly information on the operation of these systems.

The aim of the *EU Enforcement Atlas* project is to bridge this information gap by mapping the various enforcement regimes across the European Union. The report examines the core pillars of national enforcement systems, including:

- legal frameworks;
- institutional structures of enforcement;
- procedural mechanisms; and
- associated costs of enforcement.

The status of enforcement agents (judicial officers, court officers) varies significantly between Member States:

- in some jurisdictions, they operate as civil servants or court officers directly subordinated to the judiciary;
- in others, they act as independent legal professionals or self-employed entrepreneurs with delegated authority from the state.

These structural differences have a substantial impact not only on the cost structure of enforcement, but also on its efficiency, legal certainty, and the level of public trust in judicial enforcement. A comparative analysis of these systems can help Hungary identify

¹³ An independent judicial enforcement system is in effect in eleven EU Member States, including Hungary, Estonia, Latvia, Lithuania, Luxembourg, the Netherlands, Slovenia, Romania, Slovakia, the Czech Republic, and Poland. In France and Croatia, enforcement agents function under a mixed legal status, whereby independent judicial enforcement officers work alongside state-employed officials performing enforcement functions. In many other Member States, enforcement agents are civil servants.

A degree in law is generally a mandatory qualification for appointment as an enforcement agent. In countries where this requirement does not apply, enforcement agents typically work as state employees under strict judicial supervision (for example, in Croatia and Austria).

Source: State Audit Office of Hungary (2021). *Analysis of Notarial and Enforcement Activities*.

and adapt best practices, particularly in relation to fee structures, cost-allocation mechanisms, and procedural safeguards.

The Three Dominant Models of Enforcement

1. **Court Enforcement Model** – The enforcement agent works under the authority of the court, and enforcement is carried out directly by the judiciary (e.g., Austria, Croatia, Cyprus).
2. **Civil Servant-Based Enforcement Model** – Enforcement agents are civil servants, and the enforcement system is organized outside the court structure, often under the Ministry of Justice or another state body (e.g., Sweden, Finland).
3. **Self-Employed Enforcement Model** – Enforcement agents are independent, self-employed professionals who finance their operations through regulated fees. Their activities are monitored and supervised by the state. Hungary belongs to this category.

Regulation of Enforcement Fees

In all EU Member States, enforcement fees are regulated by law to ensure predictability and impartiality. The primary objectives of fee regulation are twofold:

- to avoid arbitrariness and safeguard the interests of both parties – the creditor, who often pays the fees in advance, and the debtor, who ultimately bears the enforcement costs; and
- to ensure equal treatment and financial stability in the remuneration of enforcement activities carried out by judicial officers, thereby preserving the dignity and impartiality of enforcement agents.

The fixed nature of enforcement fees must guarantee sufficient financial coverage for the enforcement agent to meet both operational and personal expenses, particularly as they are prohibited from engaging in other income-generating activities. Adequate remuneration is therefore a prerequisite for maintaining their independence and neutrality.

Structure of Enforcement Fees

The enforcement fee structure in most jurisdictions typically comprises three main components:

1. **Administrative fee** – covering the costs of processing the case.
2. **Activity-based fee** – compensating for the specific enforcement actions undertaken.
3. **Performance fee** – payable upon successful enforcement.

In the majority of cases, the debtor ultimately bears the enforcement costs. However, the creditor assumes the financial risk if enforcement is unsuccessful. Special provisions apply where the state acts as either creditor or debtor. For example, in Finland, judicial

authorities, tax agencies, and public prosecutors are exempt from paying enforcement fees (EU Enforcement Atlas, 2021).

Austria

In Austria, enforcement officers work within the judiciary, either as judicial officers (*Rechtspfleger*) or under the direct authority of a judge. Judges and legal officers oversee the legality of enforcement actions. The supervisory authority responsible for complaints related to enforcement activities is the "Enforcement Coordination Unit" (*Leitungseinheit Gerichtsvollzug*) at the Higher Regional Court.

Enforcement-related fees are determined by statutory regulations such as the *Rechtsanwaltstarifgesetz* (RATG), the *Gerichtskommissionärsgesetz*, and the *Exekutionsordnung* (EO – Enforcement Code) (EU Enforcement Atlas, 2021). The fees are typically linked to the value of the claim but often include flat-rate charges. Court fees are regulated by the *Gerichtsgebührengesetz* (GGG) and are generally fixed regardless of the complexity of the case (EU Enforcement Atlas, 2021).

The remuneration of judicial enforcement officers (*Gerichtsvollzieher*) is defined in Part 6 of the Enforcement Code (EO)¹⁴ and consists of a base fee, a percentage fee based on recovered amounts, ancillary costs, travel allowances, and fees for closed cases.¹⁵

The more active role of courts in the enforcement process can mitigate monopolistic pricing by enforcement agents and provide greater control over cost levels.

Croatia

In Croatia, enforcement officers (court judicial officers) are civil servants employed by the courts, with their appointment requiring prior approval from the Ministry of Justice. They are not entitled to success-based fees or any form of "extra compensation" linked to the outcome or urgency of the enforcement process. Oversight is exercised by the courts, which may revoke any unlawful or irregular enforcement actions undertaken by enforcement officers. Furthermore, all judges are subject to the supervision of the State Judicial Council, which is responsible for evaluating judicial performance and initiating disciplinary proceedings when necessary.

Enforcement officers do not bear direct responsibility toward the Ministry of Justice, even though ministerial approval is required (EU Enforcement Atlas, 2021) for new appointments or promotions.

The costs of enforcement proceedings arise at multiple levels – including the parties, the courts, and other participants involved in the enforcement process – and consist of expenses generated by or related to the enforcement proceedings. The Enforcement Act (*Ovršni zakon*) contains relatively few provisions concerning the specific costs of such proceedings.¹⁶ Typically, enforcement fees are calculated proportionally to the value of the enforcement claim.¹⁷

¹⁴ European e-Justice Portal. (n.d.). How to enforce a court decision – Austria.

¹⁵ European e-Justice Portal. (n.d.). How to enforce a court decision – Austria.

¹⁶ European e-Justice Portal. (n.d.). How to Enforce a Court Decision – Croatia.

¹⁷ European Judicial Enforcement Network. (n.d.). Croatia enforcement system e-manual

Serbia

In Serbia, enforcement agents function as self-employed professionals.¹⁸ Their remuneration is regulated by the *Law on Enforcement and Security (Zakon o izvršenju i obezbeđenju)* and the associated tariff regulation. The system typically combines fixed and percentage-based fees within a point-based framework. The enforcement agent's fee is calculated by multiplying the number of points by the value of one point, to which VAT is added, if applicable. One point is valued at 120 Serbian dinars, excluding VAT.

The collection commission in Serbia is also calculated as a percentage of the claim, but it is subject to an upper limit of 2,000,000 RSD. The Serbian tariff further specifies fees for individual enforcement actions, applying a uniform point-based system.¹⁹ While this approach provides a more detailed and potentially more transparent breakdown of costs for each enforcement step, it also introduces considerable complexity, which may increase the administrative burden and reduce the comprehensibility of fee calculations for the parties involved.

Slovakia

Slovakia also employs private enforcement officers and applies a hybrid approach that includes upper limits on remuneration. The activities of enforcement officers are primarily supervised by the Slovak Chamber of Enforcement Officers, a self-governing professional body encompassing all judicial enforcement agents. In addition, the Ministry of Justice of the Slovak Republic exercises state oversight over both the Chamber and the activities of individual enforcement agents (EU Enforcement Atlas, 2021).

In Slovakia, enforcement fees are regulated by the Enforcement Code (*Exekučný poriadok*) and related decrees. Remuneration is typically based on a percentage of the claim amount, with defined upper limits. The enforcement officer's fee is 20% of the amount recovered, but the total fee may not exceed EUR 33,000.

The advance payment regulations are also more detailed; for example, in the case of non-monetary enforcement, 50% of the estimated costs may be requested in advance.²⁰ Enforcement officers are entitled to remuneration and reimbursement of expenses, with percentage-based fees applicable for the collection of monetary claims, and fixed fees for non-monetary claims.²¹

Slovenia

In Slovenia, court enforcement agents operate under the supervision of the Ministry of Justice, the president of the local court, and the Slovenian Chamber of Enforcement Agents. These supervisory bodies may carry out inspections at any time (EU Enforcement Atlas, 2021). The enforcement of claims is regulated by the Enforcement and Security Act (ZIZ), and enforcement actions are carried out by private enforcement agents (Rijavec, 2006).

To secure compensation for their work and expenses, enforcement agents may request a security deposit from the creditor within the time frame specified in the fee schedule. The creditor is required to advance the enforcement costs in the amount and

¹⁸ Chamber of Public Enforcement Officers of Serbia (n.d.): Public executors

¹⁹ Chamber of Public Enforcement Officers of Serbia. (n.d.). Fee schedule for enforcement officers.

²⁰ Decree No. 68/2017 of the Ministry of Justice of the Slovak Republic

²¹ European Judicial Enforcement Network. (n.d.). Slovakia enforcement system e-manual.

within the deadline determined by the court. If the security deposit is not paid, the court will suspend the enforcement proceedings.

Where the costs were necessary for enforcement, the debtor must reimburse them at the creditor's request, including expenses related to searches for the debtor's assets and the costs of ex officio procedures. The enforcement agent must personally deliver the payment order for the security deposit to the creditor, accompanied by a warning about the consequences of failing to pay on time or failing to provide proof of payment. The notice must also inform the creditor of their right to request a court decision on the deposit.

If the creditor disputes the payment method, deadline, or amount of the deposit, they may submit a request to the enforcement agent within eight days of receiving the notice, asking the court to decide on the matter.²²

Enforcement fees depend on the type of enforcement procedure. Fees for enforcement on bank accounts or wages range between EUR 44 and EUR 175, while fees for enforcement against movable and immovable property range between EUR 200 and EUR 500.²³

Romania

The procedure for supervising the activity of judicial officers includes several types of oversight:

- **Disciplinary oversight:** This is internal to the profession and applies when a court judicial officer commits a disciplinary offense, breaches professional duties, violates legal prohibitions, or infringes professional ethical standards.
- **Administrative-professional oversight:** Also internal to the profession, it evaluates the technical, political, and moral conduct of judicial officers.
- **Judicial oversight:** This can only be exercised by external authorities, namely the courts, and relates to actions or enforcement measures taken by judicial officers in the performance of their professional duties (EU Enforcement Atlas, 2021).

The amount of the fee depends on the type of activity performed during the enforcement process, whether based on a court judgment or an enforcement order established by law. The schedule of fees is determined by the Ministry of Justice in cooperation with the National Union of Judicial Officers. The party requesting enforcement is responsible for paying the judicial officer, who is generally remunerated for each individual enforcement action undertaken.

In the enforcement of claims relating to monetary amounts, the maximum fees are as follows:

²² European Judicial Enforcement Network. (n.d.). Slovenia enforcement system e-manual

²³ European Judicial Enforcement Network. (n.d.). Slovenia enforcement system e-manual

Table 3. Claim amount related to maximum fee

Claim Amount (RON)	Maximum Fee
≤ 50,000 RON	10% of the claim value (e.g., for 40,000 RON → max. fee = 4,000 RON)
> 50,000 RON and ≤ 80,000 RON	5,000 RON + 3% of the amount exceeding 50,000 RON
> 80,000 RON and ≤ 100,000 RON	5,900 RON + 2% of the amount exceeding 80,000 RON
> 100,000 RON	6,300 RON + 1% of the amount exceeding 100,000 RON

Source: own work based on Costs, Romania (2020)

Thus, the fees are also determined here in progressive percentage bands, with minimum and maximum limits, which may provide protection for debtors against excessively high fees.

Comparison of the Hungarian Fee Structure: Proportionality, Transparency, Advance Payment, and Collection Commission

The previous chapter demonstrated that both the choice between a “private” or “state-run” enforcement system and the design of the fee structure – whether fixed, percentage-based, or point-based – have a decisive impact on proportionality, transparency, legal certainty, and, in my view, the overall effectiveness of the system.

A central issue in implementing any legislative decision lies in the range of tools available to the enforcement authorities. The legal framework can be considered adequate only if it ensures the widest possible array of instruments within lawful boundaries. The greater the discretion granted to the enforcement authority in applying these tools, the higher the likelihood of achieving successful enforcement. At the same time, a parallel constitutional requirement must be met: safeguarding the rights of the obligated party. This dual imperative – protecting the debtor’s rights while ensuring procedural efficiency – presents a persistent and complex challenge for legislators (Balogh et al, 2019).

In my view, it is clear that, beyond the availability of enforcement tools and the protection of the rights of both debtor and creditor, effective legal enforcement can only be ensured if adequate financial and human resources are in place. It is essential to guarantee that the professionals involved in the procedure are not only technically competent, but also fair, impartial, and committed to acting with a high sense of responsibility.

"When citizens not only observe that their case is handled by knowledgeable and competent state officials and professionals, but also perceive – and can be confident – that their matters are managed by fair, conscientious, moral, impartial, independent, responsible, and upright individuals, the perception of a fair procedure becomes self-evident, even if the outcome is unfavourable to them (Benke et al, 2022)."

In Hungary, the reports of the Commissioner for Fundamental Rights – although, in my view, open to debate – have highlighted the disproportionality of the fee system and the lack of legal certainty. The Hungarian regulatory framework seeks to capitalize on the advantages of the private enforcement model, namely efficiency and the shifting

of operational costs onto creditors and debtors. However, unclear regulations, combined with inconsistent legal interpretations and practices, inevitably magnify the disadvantages of this model, particularly disproportionality and legal uncertainty. From the debtor's perspective, an effective enforcement system is inherently less desirable, whereas inefficiency generates legitimate concerns for the creditor. In my opinion, reconciling these conflicting interests into a true equilibrium is likely to remain a theoretical construct. Any measure or reform effort is unlikely to yield universal social satisfaction, which explains the persistent criticism directed at both the system and its actors.

The following table – without claiming completeness – presents an overview of the main features of the enforcement fee structures in Hungary, Austria, Slovakia, Serbia, Romania, and Slovenia.

Table 4. Comparative Table of the Main Characteristics of the Enforcement Fee Structures in Hungary, Austria, Slovakia, Serbia, Romania and Slovenia

Characteristic	Hungary	Austria	Slovakia
Legal status of enforcement agent	Independent judicial enforcement officer (private)	Court employee	Independent judicial enforcement officer (private)
Types of fees	Service fee (tiered, percentage-based, fixed minimum), cost allowance, collection commission (percentage), out-of-pocket expenses	Value-based, often fixed (flat) fees, fees for enforcement actions	Percentage of collected amount (success fee), fixed lump sum costs
Fee caps	Caps on collection commission (e.g., HUF 4 million)	Fixed maximums for some fees, typically flat fees	Cap on total remuneration (e.g., EUR 33,000)
Transparency	Complex, influenced by judicial practice, interpretative uncertainties	More transparent, flat fees calculable in advance	Relatively transparent with fee caps
Advance payment	Creditor advances service fee and cost reimbursement	Creditor pays advance flat fee based on claim value	Advance may be requested for 50% of estimated costs and flat fees

Calculation of collection commission	Based on collected / total claim amount	Percentage of collected amount	20% of collected amount
Characteristic	Serbia	Romania	Slovenia
Legal status of enforcement agent	Public notary enforcement officer / judicial enforcement officer (mixed)	Judicial enforcement officer (private)	Judicial enforcement officer (court employee)
Types of fees	Point-based system, combination of fixed and percentage fees	Fixed and percentage-based fees, per enforcement action	Value-based percentage judicial fees, attorney fees (including success fee)
Fee caps	Cap on collection commission (e.g., RSD 2,000,000)	Caps based on claim value (e.g., 10% up to RON 50,000)	No general cap, but special rules for small claims
Transparency	More detailed but potentially complex accounting	Variable, depending on case complexity	Transparent, but final cost depends on success ('loser pays' principle)
Advance payment	Creditor advances costs	Creditor advances forced enforcement costs	Creditor advances costs
Calculation of collection commission	Percentage of collected amount	Percentage of collected amount	'Loser pays' principle, successful party recovers costs

Source: own work

The Relevance and Impact of Remuneration on System Participants and Efficiency

The Impact of High Remuneration on Applicants, Debtor Compliance, and Indebtedness

Excessively high enforcement and legal representation fees can place a disproportionately heavy burden on both applicants and debtors. It is reasonable to conclude that elevated costs may deter creditors from pursuing their claims through judicial, notarial, or enforcement channels, and in extreme cases, may even encourage recourse to informal or self-help practices. For small-value debts, such costs can significantly reduce compliance incentives and may trigger a spiralling increase in indebtedness.

This dynamic can weaken the law-abiding behavior of both debtors and applicants, while also undermining the effectiveness of enforcement procedures. Faced with high costs, debtors may lose motivation to settle their obligations, whereas creditors may reconsider whether to initiate enforcement proceedings at all.

Moreover, disproportionately high fees create a form of *moral hazard*: indebted individuals may perceive their burdens as unduly aggravated, prompting some to conceal or divert assets, or to deliberately prolong proceedings rather than pay the debt. Such behaviour not only diminishes creditors' chances of recovery but also erodes public confidence in the legal system (Sórnéné, 2023).

The situation described may result in effects contrary to the fundamental goal of enforcement procedures, namely the efficient recovery of debts.

The Impact of Low Remuneration on the Attractiveness of the Enforcement Profession and the Efficiency of Proceedings

The previous section addressed the problem of excessively high costs as one extreme; however, in any analysis of extremes, it is equally important to acknowledge that if a maximum exists, so too must a minimum. When considering the issue of low enforcement fees, it becomes evident – even without in-depth analysis – that insufficient remuneration diminishes the attractiveness of the enforcement profession. Low financial incentives can lead to workforce shortages, reduced professional standards, and extended processing times. In other words, inadequate remuneration can impair the efficiency of enforcement and lower recovery rates, thereby disadvantaging creditors and, indirectly, eroding public respect for decisions issued by courts or notaries.

Enforcement proceedings, as a form of legal sanction, and the enforcement officer, as its visible executor, are inherently unpleasant – particularly for the debtor. However, if the “unpleasantness” of such a sanction lacks sufficient weight, it cannot generate meaningful behavioural change. An ineffective or disproportionate sanction is unlikely to encourage voluntary compliance with legal obligations. Low fees, in themselves, may create a situation in which default becomes “cheap”: debtors may assume that state intervention can be easily circumvented, and the resulting financial burden is shifted onto compliant debtors or non-debtors. In such a system, financial discipline declines below the expected level, and the true costs are not borne by those in default. This dynamic produces a domino effect across society and fosters a widespread perception of social injustice.

The problem is further aggravated by the fact that low real-value remuneration – particularly in the case of fixed fees – undermines the long-term sustainability and

quality of the enforcement system, potentially destabilizing the justice system as a whole. If the profession becomes unattractive, enforcement proceedings will slow, and the rate of successful debt recovery will decline. Paradoxically, this inflicts even greater harm on creditors and, indirectly, on “compliant debtors,” as the pricing of goods and services often incorporates the losses generated by non-paying clients.

If the fee structure fails to provide adequate incentives for efficient work across all claim-value categories, systemic inefficiencies may emerge, ultimately leading to the complete erosion of public trust in the enforceability of legal obligations.

The Role of Digitalization in Enhancing Efficiency

The study titled *“Economic Analysis of the Electronization of Judicial Enforcement in Hungary”* emphasizes that the digitalization of enforcement proceedings has significantly improved efficiency and speed. Based on the Hungarian system, the study examines various aspects including the costs of enforcement procedures, the possibility or obligation to initiate or waive proceedings, among others.

The introduction of electronic communication tools, electronic data collection (such as querying bank accounts and public registries), and the implementation of the Electronic Auction System (EÁR) have all contributed to cost reduction and the fight against corruption. These electronic systems have accelerated case handling, reduced postal costs, and may have strengthened public confidence in the enforcement process (Udvary, 2021).

It is important to emphasize, however, that while digitalization offers significant potential for improving efficiency and reducing administrative costs – potential that is not fully realized if paper-based documentation continues in parallel – it does not, in itself, resolve the underlying problems stemming from disproportionate fee structures. Even a technically advanced and operationally efficient electronic system can still generate disproportionately high costs if the underlying fee schedule remains flawed. In other words, technological improvements are a necessary but insufficient condition for addressing the core issue of proportionality within the enforcement fee system.

Conclusions and Recommendations for System Improvement

The costliness of judicial enforcement proceedings in Hungary presents a multifaceted challenge with legal, economic, and social implications. Despite several legislative amendments, the current regulatory framework may still impose disproportionate burdens – not only on debtors, but also on claimants and enforcement officers. The complexity of the fee schedule and the inconsistency of judicial practice further exacerbate this delicate balance, placing the principle of legal certainty under strain.

This study demonstrates that, contrary to prevailing public perception, the real value of enforcement costs has markedly decreased – both in relation to inflation and to the minimum wage. This downward trend threatens to undermine the motivation, stability, operational capacity, and even the ethical integrity of the enforcement profession.

The comparative analysis underscores the diversity of enforcement fee structures in neighbouring countries, revealing both differences and commonalities in fee caps, cost-allocation mechanisms, and regulatory frameworks. These international perspectives provide a valuable foundation for assessing and, where appropriate, reforming the Hungarian system to enhance proportionality, efficiency, and public trust.

Recommendations

Based on the findings of this research, the following recommendations can be made for improving the fee structure of the Hungarian judicial enforcement system:

Review of the Fee Structure

A comprehensive review of the entire system of judicial enforcement fees is both essential and urgent – yet unquestionably a sensitive undertaking. Restoring proportionality between fees and the value of the claim is critical, ensuring that the structure incentivizes efficient work without imposing a disproportionate burden on the debtor.

Reform should not be limited to the nominal reduction of fees. Instead, it should introduce a dynamic mechanism capable of adapting to economic realities – such as indexation to inflation or adjustments aligned with the percentage increase in the minimum wage – while accurately reflecting the actual costs of enforcement services.

Such a model would strengthen system stability by aligning remuneration with the level of professional responsibility carried by enforcement officers. In this way, long-term sustainability, proportionality, and procedural efficiency can be pursued as joint and mutually reinforcing objectives.²⁴

Clarification of Legislation and Harmonization of Judicial Practice

Clarifying the legal provisions governing the enforcement fee schedule is indispensable for eliminating interpretive uncertainties – an essential prerequisite for strengthening legal certainty. The systematic publication of decisions rendered in enforcement proceedings could form the foundation for developing consistent judicial practice, thereby reducing interpretive disputes and minimizing procedural errors.

Analyses of court rulings demonstrate a persistent need for more precise guidance in legal interpretation. Legislative clarification is therefore critical not only for legal practitioners but also for citizens, as it ensures predictability and enables effective financial and procedural planning – both of which are fundamental to the principle of legal certainty. Without such clarity, public trust in legal proceedings remains fragile, and overshadows efforts to restore public trust.

Introduction of Preliminary Asset Assessment (Pre-Enforcement Disclosure)

Consideration should be given to introducing the legal institution of preliminary asset assessment within enforcement proceedings. Under such a mechanism, the claimant –

²⁴ According to the statement issued by the Hungarian Association of Judges December 20, 2024, one of the indicators of judicial independence and the recognition of judicial work in today's society is remuneration. However, even with a planned 15% increase in the salary base, judges' earnings remain so low that they cannot compete with the wage increases projected for other professional sectors in 2025. The seriousness of the wage disparity is further illustrated by the fact that no salary increases have occurred in the judiciary for three years, and a 15% raise comes in the context of nearly 50% cumulative inflation. In the Association's view, these circumstances threaten the balanced functioning of the justice system, erode public trust in the courts, and undermine confidence in judicial impartiality. Moreover, the issue lacks visible societal support. (MABIE, 2024)

In my opinion, these concerns apply not only to judges but also to judicial enforcement officers, who are likewise integral contributors to the administration of justice. The lack of adequate remuneration for enforcement officers may lead to similar consequences: reduced motivation, diminished professional standards, and ultimately a weakening of the legitimacy and efficiency of the enforcement system as part of the broader justice sector.

upon payment of a prescribed fee – could request an official survey of the debtor’s assets through access to public registries prior to initiating enforcement. This preliminary step would enable the claimant to make an informed decision as to whether commencing enforcement is justified or, conversely, likely to prove futile. By filtering out economically unviable cases at an early stage, the measure could reduce unnecessary procedural costs, ease the workload of enforcement officers, and improve overall system efficiency.

Such a procedure would enable creditors – especially in cases involving unsecured debts – to realistically assess the likelihood of successful recovery and avoid initiating enforcement proceedings where there is no reasonable chance of collection. In turn, this could significantly reduce the number of unnecessary and cost-incurring procedures initiated by creditors.

This concept is also touched upon in Udvary’s study, which highlights the problem of *information asymmetry*. Information asymmetry refers to the fact that creditors generally lack adequate information about a debtor’s solvency and typically only obtain such knowledge through the enforcement process, via the judicial officer.

The introduction of a preliminary asset survey could fundamentally rebalance this asymmetry, allowing creditors to make more rational decisions about whether to pursue enforcement, and sparing them from bearing the costs of a failed procedure.²⁵ Moreover, such a mechanism could also incentivize earlier voluntary compliance by debtors, as they would be aware that enforcement (and the costs thereof) is no longer easily avoidable.

Regulation of Legal Representation Fees

A comprehensive review of the remuneration of legal representatives is also warranted. At present, fee agreements are restricted only in specific cases – such as when the enforcement authority issues an order that deviates from the claimant’s request. However, it would be worth considering the introduction of absolute maximum limits for legal fees, which could not be exceeded even by mutual agreement between the parties. Such a measure could serve to prevent excessive financial burdens being imposed on debtors.

Legal representation fees constitute a non-negligible component of the total costs of enforcement proceedings and may significantly contribute to a debtor’s progression into a cycle of over-indebtedness. The establishment of statutory upper limits could mitigate this risk, while still preserving adequate access to professional legal assistance. Consequently, the regulation of legal fees in enforcement procedures should form an

²⁵ However, Udvary’s study also draws attention to structural factors that render the decision to initiate enforcement proceedings essentially one-sided. As evidenced by the lack of voluntary compliance, debtors are often incentivized to conceal or transfer assets in order to frustrate enforcement. If information on a debtor’s financial status were obtainable prior to the formal commencement of enforcement – bearing in mind that, under data protection regulations, the debtor would have to be notified of such data collection – this notification could itself serve as a warning and thereby facilitate bad-faith conduct. Given that asset preservation measures may only be undertaken once enforcement has been formally initiated – and that such measures can be carried out solely by authorized officers (i.e., judicial enforcement agents) – it follows that the simultaneity of information gathering and the initiation of coercive measures is essential. Without such procedural unity, the effectiveness of asset preservation would be seriously compromised. Furthermore, additional considerations explicitly support, or indeed necessitate, the commencement of enforcement proceedings. Chief among these are financial and accounting obligations. For example, if the management of a corporate creditor fails to take steps to recover outstanding claims, such inaction may amount to the criminal offence of disloyal or negligent asset management, potentially engaging both civil and criminal liability. From an accounting perspective, a claim may only be written off as uncollectible if enforcement proceedings have been duly conducted and have concluded with that result.

integral part of any reform aimed at enhancing cost proportionality and promoting the long-term sustainability of debt repayment.

Conclusion

This study undertakes a legal, economic, and comparative analysis of the cost structure of judicial enforcement proceedings in Hungary, with particular emphasis on the dimensions of efficiency and legal certainty. It argues that the balance between enforcement fees and the professional responsibilities borne by enforcement officers has been disrupted. While remuneration has failed to keep pace with either inflation or the growth of the minimum wage, enforcement officers remain fully liable for the entirety of the claim in every case.

The analysis also addresses issues raised in the reports of the Commissioner for Fundamental Rights, such as disproportionately high costs and deficiencies in legal certainty, while critically noting the subjectivity and one-sided interpretation of certain legal provisions.

A detailed examination is provided of the legislative evolution of the enforcement fee schedule, focusing on Decree No. 14/1994 (IM), Decree No. 35/2015 (IM), and Decree No. 8/2021 (SZTFH). The study compares the lowest statutory fee levels with developments in both the minimum wage and cumulative inflation, revealing that between 1994 and 2024, the minimum wage increased more than twenty-fivefold, while the lowest enforcement fee rose by only 2.25 times.

Through an international comparative perspective, the study reviews the remuneration systems of enforcement officers in Austria, Croatia, Serbia, Slovakia, Slovenia, and Romania. It finds significant variation in legal status, fee calculation methods (fixed, percentage-based, or point-based), and the presence or absence of fee caps and transparency safeguards.

In its concluding section, the study formulates recommendations for reform, including the introduction of a dynamically adjustable fee schedule that reflects economic changes, and legislative measures to improve clarity and promote consistency in judicial practice – both essential to reinforcing the principle of legal certainty.

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A MAGYARORSZÁGI BÍRÓSÁGI VÉGREHAJTÁSI ELJÁRÁSOK KÖLTSÉGSTRUKTÚRÁJÁNAK ELEMZÉSE: JOGI, GAZDASÁGI ÉS ÖSSZEHASONLÍTÓ PERSPEKTÍVÁK

SŐRE ZOLTÁN

Jelen tanulmány a magyarországi bírósági végrehajtási eljárások költségstruktúrájának átfogó jogi és gazdasági elemzését mutatja be, különös tekintettel a végrehajtók díjazásának és felelősségének kényes egyensúlyára. A téma iránti elkötelezettséget az a személyes tapasztalat inspirálta, miszerint a végrehajtást foganatosító bíróság olyan módon marasztalt el, amely csak egy külön perben, hosszú idő után volt helyrehozható. Ez rávilágít arra a nonszensz helyzetre, amely akkor alakulhat ki a közfeladat ellátása során, ha a végrehajtó díjazása nem követi az árúk és szolgáltatások árváltozásait, elvlik a mindenkori jövedelmi inflációs és bérváltozásoktól, miközben felelőssége minden ügyben, a teljes követelés vonatkozásában fennáll.

A vizsgálat különös hangsúlyt fektet az Alapvető Jogok Biztosának jelentéseiben (AJB-1876/2011, AJB-4756/2012) feltárt visszasságokra, mint például az aránytalanul magas költségekre és a jogbiztonság hiányára. Elemezzük a bírósági végrehajtói díjszabást szabályozó rendeletek (14/1994. (IX. 8.) IM, 35/2015. (XI. 10.) IM, 8/2021. (X. 29.) SZTFH) változásait és hatásait, valamint áttekintjük a vonatkozó bírósági döntéseket, amelyek rávilágítanak a joggyakorlat kihívásaira. Az elemzés jogi, gazdasági és összehasonlító módszertant alkalmaz, kiterjesztve a hazai és nemzetközi szakirodalom, valamint a szomszédos országok: Ausztria, Horvátország, Szerbia, Szlovákia, Szlovénia és Románia végrehajtási díjazási rendszereinek vizsgálatára. Különös figyelmet fordítunk a végrehajtók és más jogi hivatásrendek díjazásának relevanciájára, annak adósokra gyakorolt hatásaira, a jogkövető magatartásra és a végrehajtás hatékonyságára. A kutatás megpróbál rávilágítani a jelenlegi rendszer gyengeségeire, javaslatokat fogalmaz meg a jogbiztonság és a hatékonyság javítására, figyelembe véve a gazdasági racionalitás szempontjait is, kiemelve a nemzetközi tapasztalatokból levonható tanulságokat.

Kulcsszavak: végrehajtói díjazás, költségstruktúra, díjrendeletek, hatékonyság, jogbiztonság