

THE INDEPENDENCE AND RESPONSIBILITY OF JUDICIAL OFFICERS IN HUNGARY

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*"It is easy in the world to live after the world's opinion;
it is easy in solitude to live after our own;
but the great man is he who in the midst of the crowd
keeps with perfect sweetness the independence of solitude."
Ralph Waldo Emerson*

Abstract

In his work *The Spirit of the Laws* (*De l'esprit des lois*), published in 1748, Montesquieu formulated his doctrine of the separation of powers, which has remained influential to this day. He distinguished between the legislative power, the executive power in matters of international law, and the executive power in civil law matters, the latter essentially referring to the judiciary (Montesquieu, 1899, p. 151). *"According to Montesquieu, the English monarchy functioned because several powers were set against each other, and the legislative and judicial powers were particularly safeguarded against the executive power, which embodies the greatest danger of power concentration (Csűrös, 2007)."* Contrary to popular belief, however, it was not Montesquieu who laid the foundation for the three classical branches of power; Aristotle had already mentioned the council deliberating on public affairs, the magistrates, and the judiciary, which correspond to the trichotomy of legislation, execution, and adjudication. Aristotle considered *politeia*—a mixture of democracy and oligarchy—to be the proper form of governance (Cservák, 2022).

From the classical separation of powers, it follows that each branch inherently carries its own independence, while it must also be noted that *"the three branches of power exercise their authority through multiple state bodies, and overlaps can be observed with regard to their competences (Cservák, 2015)."*

This leads to the legitimate question of whether judicial enforcement—particularly the judicial officer—is independent, and to which branch of power this activity belongs. This is further supported by the fact that *"the judicial officer, during the enforcement of the law, is a public official or civil servant who does not act on behalf of the creditor but on behalf of the state, in the name of the public (Sóré, 2023)."*

This paper aims to analyze the key aspects of the institution of judicial enforcement, specifically the independence and responsibility of judicial officers within the Hungarian legal system. In my view, the enforcement system, which ensures the execution of enforceable court or notarial decisions, is indispensable for the functioning of the rule of law; however, the public authority powers vested in judicial officers require strict accountability.

The purpose of this study is to explore the theoretical foundations of independence and responsibility, and in this context, to examine the legal status of judicial officers and enforcement offices as defined by Act LIII of 1994 on Judicial

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Enforcement, taking their system of accountability as a reference point. The paper also investigates the relationship between the appointment and remuneration system of judicial officers, highlighting the potential impacts of performance-based compensation on independence. Furthermore, it analyzes the types and mechanisms of civil, criminal, and disciplinary liability of judicial officers, with particular regard to mandatory liability insurance, crimes of abuse of office and corruption, as well as the role of disciplinary courts.

Keywords: Judicial Enforcement, Independence, Accountability / Responsibility, Public Trust, Supervisory Authority

Introduction

The Social and Legal Significance of the Institution of Judicial Enforcement

The Constitutional Court has pointed out *“that respect for judicial decisions and the enforcement of final court judgments – even through lawful coercion – belong to the constitutional values associated with the rule of law. In enforcement proceedings, the focus is no longer on protecting constitutional personal rights in an abstract way, but on applying specific lawful coercive measures against the violator whose presumption of innocence has already been rebutted in the preceding procedure. If the enforcement system is weak and easily circumvented, this inevitably leads to the devaluation of court judgments, legal uncertainty, the deterioration of legal consciousness, and ultimately, to the violation of the rule of law. Overcoming such danger is evidently a constitutional interest from the perspective of citizens, society, and the state alike.”*²

Based on the above, *“it can be concluded that the proper functioning of the judicial enforcement system serves the general interest of the rule of law (Trócsányi, 2015a).”* The institution of judicial enforcement is a fundamental – and indeed indispensable – pillar of the rule of law and the effective and reliable functioning of the judiciary. Its task is to ensure the actual enforcement of enforceable court judgments, notarial deeds, and other enforceable instruments in cases where the debtor/obligor fails to voluntarily comply with his obligations. *“The state has monopolized the use of coercion; therefore, creditors must resort to the state-regulated path and the state-provided agents – namely judicial officers – to enforce their claims.”*³ This mechanism guarantees that final judgments do not remain mere declarations, thereby maintaining public confidence in the legal system and the judiciary.

During enforcement, property-related coercive measures are applied, which is completely different than the earlier forms of enforcement that restricted personal liberty.⁴ This development reflects the humanization of the legal system and the prioritization of property protection. In the Hungarian enforcement system, the number of cases is extremely significant,⁵ which not only justifies the necessity of enforcement

² Decision 46/1991. (IX.10.) of the Constitutional Court

³ *Comprehensive Commentary on Act LIII of 1994 on Judicial Enforcement*, p. 5.

⁴ *“Within the framework of personal enforcement, the praetor granted an additio to the creditor if the exact amount of the debt was specified. If the debtor did not voluntarily submit to the power of the creditor, the praetor authorized the creditor to take the debtor with him by force (ducere) (Pataki, 2014, p. 145).”*

⁵ The *Statistical Portal of the Ministry of Justice* provides comprehensive annual data, which unfortunately have not been updated; the available data cover the period between 2018 and 2022. (Case flow data of the activities of independent judicial officers). However, several media outlets have reported, based on public data requests, that the number of enforcement proceedings has increased by approximately one-third. Upon examining the data request and the response provided (Jámbor, 2024), it can easily be concluded that both

proceedings but also indicates, among other things, a decline in law-abiding behavior. This statistical data, in itself, underscores the outstanding social relevance of the enforcement system and the continuous demand for its efficient and reliable operation. The large number of cases and the increasing amount of claims highlight its indispensable role in terms of economic and social stability.

According to Act LIII of 1994 on Judicial Enforcement⁶ and Act CLXI of 2011 on the Organization and Administration of Courts (*Bszi.*), enforcement proceedings are classified as non-litigious proceedings, and the measures taken by the judicial officer within their jurisdiction are binding on everyone.⁷ This legal classification emphasizes the close connection between the activities of judicial officers and judicial authority, as an exercise of public power. The judicial officer thus embodies the actual application of state coercion during the enforcement process (Pap, 2024). Such public authority activities must comply with the constitutional requirements of legal certainty and the right to a fair procedure, with particular regard to the right to legal remedy enshrined in Article XXVIII (7) of the Fundamental Law.⁸

The Current Relevance and Issues of Judicial Officers' Independence and Responsibility

A fundamental question concerning the independence and identity of judicial officers is related to under which branch of power their role and activities should be classified. The presumed, apparent categorization is, in fact, far from clear, as enforcement is subject to oversight by several entities. Primarily, courts must be mentioned: while they do not exercise direct supervision over judicial officers or their activities, they are unavoidable in disciplinary proceedings initiated by the president of the regional court,⁹ in appellate and disciplinary proceedings,¹⁰ enforcement-related lawsuits,¹¹ and in lawsuits for damages or compensation. Secondly, the Supervisory Authority for Regulated Activities – and its President¹² –, as the general supervisory body over the profession of independent judicial officers¹³, exerts significant influence on both the individual officer and their activities. Thirdly, the Ministry of Justice, through its regulatory powers, also has a considerable impact on enforcement procedures.¹⁴

“Constitutional law defines the system and manner of exercising state power, the legal order, the fundamental rules governing the relationship between individuals (legal subjects) and the state, as well as the fundamental rights of individuals (Varga, 2018, p.

the delay in data provision and the data supplied – along with the information disseminated to the public – were of merely informational value at best. This is because the published data are not equivalent to the number of enforcement cases initiated within a one-year period, nor do they contain information reflecting the fact that, in reality, a single debtor may have, or may be subject to, multiple enforcement cases simultaneously.

⁶ Section 225 (2) of Act LIII of 1994 on Judicial Enforcement

⁷ Section 162 of Act CLXI of 2011

⁸ Everyone shall have the right to seek legal remedy against any judicial, administrative, or other public authority decision that violates their rights or legitimate interests.

⁹ Section 230 (2) of Act LIII of 1994 on Judicial Enforcement

¹⁰ Section 253/D of Act LIII of 1994 on Judicial Enforcement

¹¹ Chapter XL of Act CXXX of 2016 on the Code of Civil Procedure (*Termination and Restriction of Enforcement, Enforcement Claim Action, Tolerance of Seizure, Collection of Claims, and Participation in Enforcement Proceedings*)

¹² Section 34/A. § (3), 230. § (4), 231. §, 232. § 234/A. §, 235. § (3), 239. § (2) -(6), 252. §, 253. § (3), 278. §, 298. § of Act LIII of 1994 on Judicial Enforcement

¹³ Section 230 (2) of Act LIII of 1994 on Judicial Enforcement

¹⁴ Section 307 (1) of Act LIII of 1994 on Judicial Enforcement

13).” However, the Fundamental Law does not explicitly mention judicial officers or notaries, as its purpose is not to list everybody or individual performing state or law-enforcement functions. It lays down the foundations of the state structure, while the legislature elaborates on the detailed rules of specific legal institutions. Accordingly, the Constitutional Court has addressed the constitutionality of certain provisions of the laws on enforcement and notaries in several decisions, but the lack of explicit constitutional reference to these professions has never raised constitutional concerns.¹⁵

“The judiciary is considered an independent branch of power because of the independence of the courts; nevertheless, the prosecution is also part of the justice system. The prosecution, operating independently of the government, can also be regarded as an autonomous branch of power, although it functions within a hierarchical system, and the appointment of the Prosecutor General typically depends on the government or legislature. The Fundamental Law resolved this duality by referring to the prosecution as a participant in the administration of justice (Cservák, 2015).”

In my view, these considerations can also apply to judicial officers: they are part of the justice system and constitute an indispensable element of its operation. In this context, the decision of the National Authority for Data Protection and Freedom of Information (NAIH) No. NAIH/2020/4637/5 is noteworthy. In this decision, the Authority pointed out that *“an independent judicial officer, under Article 25 of the Fundamental Law and Act CLXI of 2011 on the Organisation and Administration of Courts, cannot be considered part of the court system and does not perform adjudicative judicial functions; therefore, data processing activities carried out in the course of fulfilling the duties of an independent judicial officer fall under the Authority’s supervisory competence.”* This position is nuanced (Sőre, 2021) by the NAIH’s earlier decision (NAIH/2015/388/10/V.), which, referring to a previous Constitutional Court ruling, noted that *“the Constitutional Court, in Decision 944/B/1994, emphasized that notarial activities form part of the state’s judicial functions.”*

The independence of judicial officers is essential for the impartial and efficient operation of the justice system. This independence ensures that officers act free from

¹⁵ Decision 3110/2023 (III.14.) of the Constitutional Court: The case concerned a lawsuit for the termination of enforcement and the issue of the statute of limitations of claims. Its essence is that the initiation of a lawsuit for the termination of enforcement does not, by itself, always provide immediate and effective protection for the debtor.

Decision 34/2021 (XII.22.) of the Constitutional Court: The case dealt with the internal functioning of the enforcement system and the guarantees for holding judicial officers accountable. Its essence: under the then-current regulation of the Enforcement Act, judicial officers had no legal remedy against the decision to initiate disciplinary proceedings. Furthermore, the law did not provide comprehensive judicial review of substantive decisions made in disciplinary matters. The Constitutional Court held that the right to legal remedy applies not only to citizens but also to persons with a special legal status (such as judicial officers) within their system of accountability. A procedure where no legal control is available against an administrative-type decision (the initiation of disciplinary proceedings) violates both the right to a fair trial and the right to legal remedy. Judicial review must be genuine and substantive.

Decision 19/2023 (VII.5.) of the Constitutional Court: The case examined the constitutionality of the so-called “Interest Act” (concerning certain claims to be collected during judicial enforcement). This law retroactively limited the amount of interest, costs, and fees recoverable beyond the principal in long-term enforcement proceedings to a specified maximum. The law retroactively overrode claims based on final court judgments (i.e., existing property rights). This violated the creditors’ right to property and the principle of legal certainty, which protects acquired rights and the trust in final court decisions. The Constitutional Court emphasized that although the legislator’s social policy objectives (alleviating the burdens on debtors) are important, unconstitutional means cannot be used to achieve them. Retroactive interference with already concluded legal relationships and claims protected as property severely undermines one of the most fundamental elements of the rule of law: legal certainty. The decision protects the institution of *res iudicata* (the finality of judgments) against legislative arbitrariness.

external influences – be they political, economic, or pressure from the parties involved (the debtor or the creditor) – and in strict compliance with the law. The absence of independence would undoubtedly distort the outcome of proceedings and undermine the objectivity of law enforcement.

At the same time, the accountability of judicial officers – similar to independence – is equally crucial (Hess-Oberhammer, 2018). The European Enforcement Regulation not only aims to simplify the enforcement of cross-border judgments but also to strengthen the transparency and accountability of enforcement authorities. Judicial officers, exercising public powers delegated by the state, are authorized to interfere deeply and dramatically in individuals' everyday lives. Therefore, their activities must be transparent and subject to oversight.

Maintaining a balance between independence and accountability is a particular challenge in the enforcement system. Independence ensures the freedom to act impartially,¹⁶ while responsibility entails accountability for one's actions. However, the equilibrium between independence and responsibility is vital: excessive independence combined with insufficient oversight may lead to abuses, while excessive control may undermine the independence and effectiveness of any profession, including that of judicial officers.

In the Hungarian enforcement system, problems of public trust and alleged abuses revealed – or perceived – through media reports point to a lack of this balance, and at the same time violate independence. The often-cited high costs of enforcement procedures, the exposed abuses, and the public criticism directed at them, as current challenges,¹⁷ are directly linked to issues of responsibility, accountability, and public confidence. Conversely, the achievements of enforcement or the dangers arising from the absence of judicial officers' work attract far less attention. According to Pataki's doctoral thesis, there are "irreconcilable conflicts" between the entrepreneurial and public service status of judicial officers, causing fundamental tension in maintaining independence and impartiality (Pataki, 2020). In my opinion, however, this complex issue cannot be simplified in this way. This practically hybrid legal status, in which judicial officers perform public authority functions as private entrepreneurs, indeed complicates the creation of balance, as reconciling the "profit motive" ¹⁸with the public interest is a constant, sensitive challenge for both the legislature and supervisory authorities. Nevertheless, the increasing workload and the lack of basic respect and recognition further exacerbate these problems, exerting pressure on the system's efficiency, which may potentially lead to more violations and dissatisfaction among segments of society.

Theoretical and Historical Foundations of the Judicial Officer's Legal Status

Conceptual Framework of Independence and Accountability in Legal Scholarship

Judicial officers perform their activities similarly to public authorities, it is therefore necessary to pay special attention to it. It is important to emphasize that in a moral sense they have delegated power: society authorizes its members, whom it considers suitable, to ensure its own order through their work. Trust is granted in advance based on

¹⁶ "In terms of judicial independence, it means »absolute freedom of action in the handling of the cases entrusted to the judge«. (Kúria, 2017)".

¹⁷ Report of the Parliamentary Commissioner for Citizens' Rights in Case No. AJB-1876/2011, and Reports of the Commissioner for Fundamental Rights in Cases No. AJB-4756/2012, AJB-5336/2016, and AJB-4217/2017.

¹⁸ Section 15 of the 8/2021 (X.29.) SZTFH Regulation

knowledge and moral expectations, and the individual who is entrusted with this power reciprocates this trust by using it correctly and refraining from abuse. The exercise of power can therefore be self-serving, which essentially means abuse, or it can be of public purpose, which is a form of service and profession. The internal rules of wielding power are determined by professional ethos and the moral standards of the profession (Zsilinszky, 1990, p. 11). However, there is a danger in interpreting a person solely through their social roles. In both individual and community life, a person participates in roles coded by subsystems, but these roles cannot take away a person's moral attributes or their moral responsibility independent of those roles. Without respect for the individual and an understanding of their essence, it is impossible to build sustainable and functioning subsystems.

Based on these considerations, the concepts of independence and accountability are of fundamental importance. They are particularly significant when examining institutions and individuals exercising public authority. Institutional and personal independence refers to the ability of the actor (e.g., a judge, civil servant, or in this case, a judicial officer) to act free from external pressures – be they political, economic, or influence from the parties involved – solely on the basis of legal norms and their own internal conviction (Czine, 2018). For judicial officers, this also means the objective and impartial execution of enforceable instruments, which is essential for preserving the integrity of law enforcement. Public confidence in the justice system greatly depends on whether judicial officers can resist external interference and whether they are able to act with empathy in addition to lawfulness and professionalism (Birher, 2021, p. 22).

Accountability has a dual nature:¹⁹ on the one hand, it refers to the obligation of the individual or institution to conduct its activities in compliance with the applicable legal provisions, and on the other hand, to be able to present its activities in an accountable manner and at the same time to take responsibility for its activities. For judicial officers, this includes adherence to legal norms and ethical standards as well as mechanisms ensuring careful, lawful, and professional performance of their duties. Accountability ensures that persons vested with public powers – in this case, judicial officers – do not abuse their position.

Hungarian legal scholarship emphasizes the distinction between liability and strict liability/guarantee. Liability generally refers to culpable conduct where compensation or other legal consequences result from unlawful action. In contrast, *strict liability* denotes a stricter obligation, representing responsibility for an outcome, omission, or obligation, often regardless of fault. *“When the law prescribes the payment of a debt for someone who cannot be held responsible for its origin, where originally another party was the obligor, such reimbursement is referred to as strict liability in Book Three of the new Civil Code. (Miskolczi Bodnár, 2017)”* In corporate law, the Civil Code deliberately uses the term *strict liability* to describe members' liability for company debts, indicating that this is not a sanction for wrongful conduct but rather a risk-sharing or coverage mechanism.

¹⁹ The concept of “accountability” originates from the Anglo-Saxon world, where it is a well-established term and there is broad consensus regarding its meaning – even though in practice it is a complex task to define precisely what it entails. In general, the emphasis is on demonstrating how responsibility is exercised and how it can be proven. Responsibility and accountability are two sides of the same coin, and both are essential elements of good governance. Appropriate trust can only be built if the effective functioning of responsibility is proven in practice. (*Opinion 3/2010 on the principle of accountability*)

This distinction may also contribute to understanding the accountability of judicial officers. If certain financial or procedural obligations fall under a stricter *liability* regime than liability requiring proof of fault, this imposes a higher standard of care, potentially irrespective of error. This reflects public trust in the enforcement profession and the special nature of fulfilling public duties. Where the principle of *liability* applies to judicial officers, their responsibility may be stricter than fault-based liability. This implies a higher level of diligence, greater expectations, and, consequently, increased risk. It is important to examine how this theoretical distinction appears in specific legal provisions concerning judicial officers, particularly in relation to financial guarantees (liability insurance) or the outcomes of enforcement proceedings.

The interaction between independence and accountability naturally creates a fundamental tension for judicial officers, who, while being private law subjects, perform public authority tasks. The theoretical frameworks of separation of powers and indirect supervisory control provide an intellectual basis for analyzing how the Hungarian legal system seeks to balance these seemingly opposing requirements. In my view, similarly to judges, judicial officers must be independent to resist pressure from parties, yet accountable to ensure they do not abuse their delegated coercive powers. This also explains the practically “hybrid” nature of the Hungarian enforcement system. On the one hand, the tasks are carried out by private entrepreneurs; on the other hand, they perform public duties – this hybrid status inherently complicates the balance of the system. The broader interpretation of “accountability,” which includes civil, criminal, and disciplinary liability, is essential for fully understanding the concept.

A Brief Overview of the Historical Development of Hungarian Enforcement Law and the Evolution of the Enforcement Organization

The history of Hungarian enforcement law is a long and complex evolution stretching from feudal times to the modern era. In the Middle Ages, *pristaldus* officials and *loca credibilia* (authentic places) played a role in enforcement (Pataki, 2020), followed by the *Tripartitum*,²⁰ which stated, “What you can do is divine law; what is lawful is human law (Werbőczy, 1990, p. 39),” and also dealt with enforcement matters. From the 16th century to the Austro-Hungarian Compromise of 1867, and during the period of Dualism (with the Acts LIV of 1868, LI of 1871, and LX of 1881), significant legislative and organizational changes took place,²¹ shaping the framework of enforcement procedures and the legal status of judicial officers.

²⁰ The *Tripartitum* does not address procedures equivalent to modern enforcement in a single chapter but rather through several titles. These include: condemnatory judgment: enforcement actions were aimed at compelling compliance with the judgment; introduction into possession: a formal act where enforcement consisted of a ceremonial induction into possession in the presence of witnesses; seizure of movables and collection of appraised value: if a specific movable asset was unavailable, an appraised value had to be collected instead; enforcement against the person: debtors’ prison, where the debtor could be kept in custody until the debt was settled; use of force: violence was originally prohibited, but in cases where enforcement of the judgment was refused, it was permissible with royal authorization.

Loss of life and property: the king could order a noble to forfeit all property and rights.

²¹ Trócsányi, László. Parliamentary speech: „The first comprehensive enforcement code was Act LX of 1881 on Enforcement Procedures. In this code, the Hungarian legislator separated the regulation of civil procedural law from that of judicial enforcement. Even at that time, the legislator’s aim was to simplify and expedite the procedure. (Trócsányi, 2015b)”

The socialist period (1955, 1961, 1979 decrees) brought another paradigm shift,²² while the post-regime change era witnessed a radical transformation with the entry into force of Act LIII of 1994 on Judicial Enforcement. The transition to the “independent judicial officer” model after 1994 marked a significant change. This model created a unique blend of public duty performance and private entrepreneurship, which over time has raised several distinct legal and practical questions regarding independence and accountability.

This brief historical overview is essential for understanding the roots of the current system and certain issues, such as the “costliness” or efficiency of enforcement, which is a critical element. Pataki’s dissertation highlights that the high cost of enforcement procedures is not merely a contemporary issue but one that has appeared throughout historical periods (Pataki, 2020). This historical continuity suggests that these problems may not solely stem from current legislative shortcomings but also from deeper, systemic, or structural causes. If an issue such as “costliness” has persisted historically, it implies that minor adjustments to the current regulation have likely been insufficient, or that the assessment of costliness itself is ambiguous. All of this may point to deeper challenges inherent in the fundamental design of the enforcement system and to the lack of solutions to long-standing problems, which, in turn, may significantly affect access to justice and other economic mechanisms.

The Legal Status of Independent Judicial Officers under Current Hungarian Law (Act LIII of 1994)

Clarifying the legal status of judicial officers requires a thorough examination of their position. A person who undertakes the legal profession, such as a judicial officer, may stand out among fellow citizens because of their expertise. Direct professional supervision over them can only be exercised by those who possess the necessary professional knowledge. Knowledge of and adherence to the internal ethical standards of this profession are particularly important, as significant social harm can be caused if power and expertise are not combined with adequate internal control and professional ethics (Zsilinszky, 2017, p. 17).

The Constitutional Court has established that *“the introduction of the independent judicial officer status did not constitute the marketization of enforcement. In their interpretation, activities performed by independent judicial officers, deriving from state sovereignty, do not reflect the classical market rules of supply and demand, as they may only work under statutory fee regulations, appointment procedures, territorial and service obligations, monopolies, and state supervision.”* (Decision 3076/2017. (IV.28.) AB, Reasoning [36]) (State Audit Office, 2021, p. 28)

The legal status of judicial officers is unique: they are not in an employment relationship with the courts, and they do not receive remuneration from the state. Instead, as a general rule, the enforcement applicant advances the fees, and the debtor ultimately bears them. The Code of Judicial Enforcement is the code and primary legal source of Hungarian enforcement, uniformly regulating the procedural and organizational aspects of judicial enforcement. It entered into force on September 1,

²² “Due to the ideology of the communist dictatorship that emerged after World War II, it was believed that enforcement law would no longer be necessary; consequently, this area of law was increasingly pushed into the background. (Domjáné, 2018)”

1994, and has undergone numerous significant amendments since then. The Code of Judicial Enforcement stipulates that enforcement proceedings conducted by an independent judicial officer classified as civil non-litigious – proceedings – are legally equivalent to court proceedings.²³

This legal equivalence is highly significant, as it underscores the public-duty nature of judicial officers despite their independent status. Their measures are binding on everyone,²⁴ and state coercion – possibly involving the police²⁵ – may be applied to ensure that the obligor complies with the enforceable instrument, even if it is against their will and unfavourable to them.²⁶ The actual application of legal sanctions is a specific legal institution whose fundamental aim is to uphold the functioning of the judiciary, primarily targeting the obligor's property (Balogh et al, 2009, p. 15).

The fact that judicial officers' actions are legally "equivalent" to court proceedings is a promising legal fiction. It can confer significant authority on their measures but simultaneously implies a high level of legal compliance and accountability, similar to what is expected from the courts themselves. If a judicial officer's measure is legally "equivalent" to a judicial proceeding, it has the same legal weight and potential impact on individual rights. This elevates the importance of independence (impartiality) and accountability (the same careful procedure as a court).

Consequently, any perceived or actual error or abuse by judicial officers may undermine public confidence in the entire justice system. In my view, the independence of judicial officers therefore shows essential similarities to the independence of judges. Thus, negative public statements lacking legal basis made against the enforcement body as an organization or against individual judicial officers fundamentally violate the principle of independence and erode public trust in the judiciary. This is particularly unfair from the perspective that the judicial officers' right to express opinions – to judges – is limited, and the burden of confidentiality almost completely excludes substantive self-defense.²⁷

The Independence of Judicial Officers: Legal Regulation and Practical Issues

Appointment and Dismissal of Judicial Officers

The appointment and dismissal of independent judicial officers are crucial for ensuring their independence. Under current regulations, independent judicial officers are appointed by the President of the Supervisory Authority for Regulated Activities (SZTFH)

²³ Section 225 (2) of Act LIII of 1994 on Judicial Enforcement

²⁴ Section 162 of Act CLXI of 2011

²⁵ Section 5 of Act LIII of 1994 on Judicial Enforcement

²⁶ Budapest Regional Court, Case No. G.40.426/2017/45

The essence of judicial enforcement lies in the application of state coercion. This occurs in cases where voluntary compliance is not forthcoming, and the use of state coercion is always secondary. State coercion is a public authority sanction, a chain of procedural actions whose source is state power. The executors of enforcement actions within judicial enforcement proceedings – the judicial officers – apply state coercion even when they perform procedural actions in their own name.

Since state authority stands behind the coercive measures carried out during enforcement, in a rule-of-law environment the use of coercion must be regulated with the utmost precision. It follows from the requirement of the rule of law that only enforcement participants and procedural actors covered by the guarantees of the Enforcement Act and vested with special powers may carry out procedural actions; other bodies and organizations may not exercise the state authority necessary for judicial enforcement proceedings unless another law expressly provides otherwise.

²⁷ Section 229-229/A of Act LIII of 1994 on Judicial Enforcement

for a term of seven years, through a competitive application process, to a specific seat and in association with a district court.²⁸ This seven-year term provides only limited stability²⁹ but does contribute to a degree of independence, shielding officers from immediate political or external pressures. A fixed term of office thus partially serves as a guarantee of independence, similar to judges, as it reduces the risk of arbitrary removal.

The detailed rules of the appointment process are set out in a ministerial decree. Vacant positions are filled through a public call for applications,³⁰ which must be submitted to the head of the administrative body of the Hungarian Chamber of Judicial Officers (MBVK). Applications must include documents proving the fulfilment of appointment criteria, a professional curriculum vitae, a declaration of assets and conflict of interest, and a certificate of no public debt. Candidates are evaluated based on professional qualifications, experience, language skills, and a personal interview. The MBVK administrative body issues an opinion and forwards the applications to the President of the SZTFH, who may appoint one of the three highest-scoring candidates.

While the fixed term of office is an important element of independence, the application process itself, along with the roles of the SZTFH President and the MBVK, may create opportunities for influence or at least the perception of a lack of independence if the process is not fully transparent. Ambiguities or discretionary elements in this procedure can open the door to political or other external influences, undermining the perception of independence and the prestige of the profession from the outset. This tension between formal independence (fixed term) and practical independence (mode of appointment) may require corrective measures in light of recent events.

In addition to appointment, the termination of enforcement service is also a critical aspect. The transparency of the dismissal process and the availability of remedies are essential to safeguard independence. The head of the authority dismisses a judicial officer if the officer submits a written resignation, while in certain cases the termination of the enforcement service is established by formal decision.³¹

The Remuneration System and Its Impact on Independence

The remuneration system of judicial officers significantly influences their independence and the objectivity of their activities. It is also evident that the fee structure can greatly affect efficiency and the enforcement of law-abiding behavior. Naturally, if enforcement proceedings are “cheap,” it may be worth remaining in debt, while if they are “expensive,” debtors may reconsider their actions. From the perspective of public perception, remuneration is a critical and highly debated issue, even though the enforcement fee schedule has barely changed since the entry into force of Decree 14/1994 (IX.8.) IM and, in real terms, has fallen far behind both inflation rates and changes in the minimum wage.

²⁸ Section 232 of Act LIII of 1994 on Judicial Enforcement

²⁹ Until February 28, 2011, under Section 234/A of Act LIII of 1994, in the event of a vacant judicial officer position, a judicial officer could propose the appointment of a person they had employed as a deputy judicial officer for at least one year. Following this date, the option to nominate a candidate was abolished; however, appointments were not subject to a seven-year term until August 31, 2015.

From September 1, 2015, the law introduced a fixed seven-year term of service. Subsequently, as of July 16, 2020, the service reverted to an indefinite duration until July 31, 2022. From August 1, 2022, the fixed seven-year term of appointment was reintroduced.

This regulatory framework is currently governed by the Decree 6/2021 (X.29.) SZTFH on the organization of judicial enforcement.

³⁰ Decree 6/2021 (X.29.) SZTFH (*On the Organization of Judicial Enforcement*)

³¹ Section 229-229/A of Act LIII of 1994 on Judicial Enforcement

The currently effective Decree 8/2021 (X.29.) SZTFH on judicial officers' remuneration regulates the remuneration in detail. Their income consists of service fees, expense allowances, travel expense allowances, disbursements, and, exclusively in the case of successful collection, a collection commission. It does not require any further explanation that their remuneration is directly linked to the number of cases they handle, the value of the claims to be enforced, and the success of enforcement proceedings. The expense allowance covers the general costs of maintaining the office, including wages and IT expenses.

In my view, the remuneration of judicial officers is fundamentally performance-based, as the collection commission is only earned in the event of successful recovery. Consequently, judicial officers are not incentivized to prolong proceedings with excessive filings or unnecessary delays, as more work on a single case does not generate more income. However, this performance-based remuneration system is a double-edged sword in terms of independence. While it undoubtedly encourages efficiency and successful enforcement, it also creates a direct financial interest in the outcome of cases, which may conflict with the principle of impartiality.

This economic incentive could subtly encourage more aggressive enforcement tactics or prioritization of high-value cases, potentially compromising neutrality. If a judicial officer's income directly depends on "success" (i.e., the amount recovered), a strong financial motivation arises to maximize recovery rather than ensuring fair treatment for all parties, particularly the debtor. Nonetheless, ethical and empathetic enforcement also requires that fairness not be examined solely from the debtor's perspective.³²

Furthermore, if the remuneration of a judicial officer becomes uncertain³³ – regardless of work already performed – it can morally undermine the enforcement profession. In the context of inflation and rising wages and costs, this uncertainty can lead to a shortage of qualified staff and operational difficulties, ultimately resulting in the collapse of the justice system. The ultimate consequence of this—aside from potential market chain reactions—is precisely what Ignác Frank³⁴ and the Constitutional Court have also articulated.³⁵

Guarantees and Limitations of Independence in Enforcement Activities

Several legal guarantees are intended to ensure the independence of judicial officers. As discussed in the section on their appointment and dismissal, the fixed seven-year term of appointment provides a degree of stability and reduces the risk of arbitrary removal. The requirement of a professional enforcement examination and a law degree

³² It can generally be noted that debtor protection and loan debt are the most frequently cited examples; however, due to poor wording, the principle of the primacy of the creditor's interest is often misunderstood as applying exclusively to loan debts. A more precise formulation would be the principle of the primacy of the enforcement applicant's interest, which also encompasses claims such as child support payments, among others.

³³ Fundamentally, Section 34 (1) of the *Vht.* regulates the advance payment of costs, whereas the current fee decree, in its Section 21, effectively compels the judicial officer to advance costs. At the same time, Section 22 of the decree also refers to cost-bearing, as it prohibits the legitimate claiming of general expense allowances and travel expense allowances, even though such costs have clearly arisen and exist as a result of the work performed.

³⁴ „It would be pointless to hold a court if the verdict was not enforced.” (Frank, 1846),

³⁵ „If the enforcement system is weak and easily circumvented, this inevitably leads to the devaluation of judicial decisions, legal uncertainty, the deterioration of legal awareness, and the violation of the rule of law.” [Decision 46/1991 (IX.10.) of the Constitutional Court]

contributes to professional independence and competence. The fact that their procedure is legally “equivalent” to court proceedings also lends them authority and independence, as this legal fiction elevates their work to a level comparable with that of the judiciary.

However, independence also has numerous limitations and challenges. The hybrid nature of Hungarian judicial officers – as independent entrepreneurs who perform public duties – is a paradox that may impact their independence. While the regulatory intent is to harness the efficiency of the private sector and outsource burdensome tasks from the state budget, this simultaneously generates internal conflicts of interest and challenges in maintaining impartiality. The fundamental tension lies in reconciling the profit motive (entrepreneurial aspect) with the public interest (enforcing court decisions as the final step of justice), which can lead to a perception of unfairness. This is a structural challenge that can be perceived by both legislators and practitioners. At the same time, the possibility of judicial review and oversight of judicial officers’ actions serves as a guarantee of proper functioning.

Since enforcement is a form of “public duty,” judicial officers operate within specific legal frameworks as members of the Hungarian Chamber of Judicial Officers (MBVK), with an obligation to pay membership fees. This arrangement restricts full entrepreneurial freedom and assigns an “official public service” character to enforcement activity. Pataki’s dissertation (Pataki, 2020) explicitly mentions “irreconcilable conflicts” between entrepreneurial/employer status and public service status, which indicates a fundamental tension. This tension may manifest in daily practice, influencing decision-making and interactions with parties.

Nevertheless, in my view, cooperation, representation of interests, the legal purpose of enforceable instruments, and the participation in enforcement proceedings clearly do not alienate the parties but instead function in a form of symbiosis. The activities of certain bodies or statuses become an indispensable condition for the functioning of the others.

The Complexity and Layered Nature of the Enforcement Liability System

In the Hungarian judicial enforcement system, the liability of independent judicial officers and enforcement offices forms a multi-layered and complex legal framework. This system encompasses civil, disciplinary, and criminal law aspects, reflecting both the public authority nature of enforcement activities and the legal personality of enforcement offices, as well as the complexity of the liability system related to enforcement activities. The strict and differentiated liability rules primarily aim to ensure legal certainty, enforce the constitutional requirements of the right to a fair trial, and strengthen and maintain public confidence in the enforcement system. Disciplinary and criminal liability, in particular, serve to preserve professional integrity and the prestige of the profession.

The dynamic relationship between the judicial officer’s public authority function and the legal personality of the judicial office fundamentally influences the allocation of liability. While the individual judicial officer directly exercises public authority and is therefore personally responsible³⁶ – and also acts as the data controller in enforcement cases – the judicial office, as a legal entity, bears the primary civil liability for damages caused by its member judicial officer, except in cases of intentional harm.³⁷

³⁶ Section 236 of Act LIII of 1994 on Judicial Enforcement

³⁷ Section 254/A (2) of Act LIII of 1994 on Judicial Enforcement

Exhaustion of ordinary remedies, particularly the enforcement objection, is an essential prerequisite for asserting civil compensation claims.³⁸ This mechanism strengthens the system's self-corrective capacity and ensures that disputes are resolved primarily within the framework of enforcement proceedings.

Fundamental Differences in the Liability of the Judicial officer and the Judicial officer's Office

The civil liability of an independent judicial officer for damages "is not based generally on irregularities in the entire enforcement procedure, but on the unlawfulness of individual enforcement acts (Szentmihályi, 2017)." This approach emphasizes the significance of specific unlawful conduct in determining liability.

The judicial officer's liability also extends to claims for damages or compensation arising from the actions of their deputy or trainee.³⁹ This extended liability ensures accountability for violations committed within the judicial officer's office and reinforces their supervisory obligations. Although judicial officers are independent, their activities have a public authority character, which may also raise the issue of potential state liability for damages caused in the exercise of public authority.

The judicial officer's office is a legal entity that may operate under the rules governing limited liability companies (LLC).⁴⁰ This legal personality is essential in terms of liability issues. According to the Civil Code (Ptk.), a legal entity is liable for its obligations with its own assets; as a general rule, its members and founders are not liable for the entity's debts.⁴¹ This principle of limited liability protects the assets of the members.

However, the Civil Code also stipulates an exception: if a member or founder has abused their limited liability and, as a result, creditor claims remain unsatisfied upon the dissolution of the legal entity without legal succession, that member or founder is liable without limitation for those debts.⁴² This so-called "piercing of the corporate veil" mechanism sanctions the abuse of limited liability. A distinctive feature of the judicial officer's office is that only a judicial officer may be its member.⁴³

As an independent legal entity, the judicial officer's office is thus liable for damages caused by the judicial officer acting as its member. The Civil Code confirms this principle by stating that if a member of a legal entity causes damage to a third party in connection with their membership, the legal entity is liable to the injured party.⁴⁴ This provision replaced the relevant sections of the old Civil Code and uniformly extends the liability principles applicable to employees to members of legal entities.

Therefore, under the Civil Code, the judicial officer's office is liable for damages and violations of personal rights. To cover this liability, it is required to take out liability insurance of at least HUF 30 million and maintain it during its operation.⁴⁵ This mandatory insurance, combined with the legal personality of the office, provides a conscious risk management strategy and a safety net for the parties involved. Financial liability is thus transferred to a more stable entity covered by insurance, rather than

³⁸ Sections 6:548 and 6:549(2) of Act V of 2013 on the Civil Code

³⁹ Section 240/D. (1) és 241. (4a) of Act LIII of 1994 on Judicial Enforcement

⁴⁰ Section 254/ A. of Act LIII of 1994 on Judicial Enforcement

⁴¹ Civil Code of Hungary (Act V of 2013) – Section 3:2 (1)

⁴² Civil Code of Hungary (Act V of 2013) – Section 3:2 (2)

⁴³ Section 254/ B. of Act LIII of 1994 on Judicial Enforcement

⁴⁴ Civil Code of Hungary (Act V of 2013) – Section 6:540 (2)

⁴⁵ Section 236 (2). of Act LIII of 1994 on Judicial Enforcement

resting solely on the individual judicial officer. This regulation enhances the stability and reliability of the system from the perspective of injured parties, ensuring the possibility of compensation regardless of the individual judicial officer's current financial situation. Clearly, it also aimed to strengthen public trust by guaranteeing that, following successful legal remedies, the liable parties have financial coverage.

The legislator, therefore, made it mandatory for judicial officers to conclude and maintain liability insurance of at least HUF 30 million as a guarantee for the enforceability of civil liability, covering damages and compensation for non-pecuniary loss. The introduction of mandatory liability insurance was likely a direct response to the need for effective civil remedies. However, the lack of a "uniform and consistent judicial practice" regarding compensation for non-pecuniary damage may lead to unpredictability in judgments and potentially undermine the effectiveness of the compensation mechanism. If judicial application of non-pecuniary damages is inconsistent, it creates legal uncertainty for all parties – plaintiffs and defendants alike. Such uncertainty may deter legitimate claims or result in judgments that adversely affect the fairness and efficiency of the liability system. This highlights the gap between the legislative intent (ensuring compensation) and its practical implementation (consistent judicial application).

An important exception to the rule of limited liability is that if an employee or a member of a legal entity causes damage intentionally, they are jointly and severally liable with the employer or the legal entity.⁴⁶ This latter provision breaks the exclusivity of the employer's or legal entity's liability in cases of intentionally caused damages.

Separation and Interconnection of the Liability of the Judicial officer and the Judicial officer's Office

Although the judicial officer's office, as a legal entity, is liable for damages caused by the judicial officer, the performance of enforcement services is fundamentally linked to the independent judicial officer as a natural person, rather than to the office itself. This means that in the execution of enforcement actions and the application of enforcement measures, the exercise of public authority is attributed directly to the judicial officer, who is also considered the data controller in their personal capacity.

This dual approach implies that data protection obligations generally fall individually on the judicial officer, while liability for damages – except in cases covered by the Civil Code – is transferred to the legal entity (the office) when the judicial officer acted as a member of that office. This structure serves risk management by shifting financial liability to a more stable, insured entity, while maintaining the judicial officer's individual professional and ethical responsibility. This complex relationship seeks to balance the exercise of public authority, the efficiency of private law structures, and individual accountability. While the office provides a financial safety net in cases of unintentional errors, serious intentional violations by the judicial officer still result in direct personal accountability.

⁴⁶ Civil Code of Hungary (Act V of 2013) – Section 6:540 (3)

Table 1. Comparison of the Liability of the Judicial officer and the Judicial officer's Office

Criterion	Independent Judicial officer	Judicial officer's Office
Legal Status	Natural person, exercising public authority (as an organ of the court)	Legal entity (operating under the rules of a limited liability company)
Public Authority Exerciser	Yes	No (only facilitates activities)
Data Controller	Yes (as a general rule)	No (only performs technical functions)
Civil Liability for Damages	Generally borne by the office, but in cases of intentional harm, the judicial officer is jointly and severally liable with the office	Yes (for damages caused by its judicial officer member)
Disciplinary Liability	Yes (personally borne)	No (borne by the individual judicial officer)
Criminal Liability	Yes (personally borne)	No (borne by the individual judicial officer)
Liability Insurance	Yes (mandatory, minimum HUF 30 million)	N/A (property and liability insurance may be taken out)

Source: own work

Liability of Judicial officers: Types and Accountability Mechanisms

“The harmful conduct of persons acting in a judicial capacity – if it remains without consequences – results in a serious malfunction of state power; it undermines the rule of law and the idea of a state subject to the rule of law, thereby opening the door to arbitrariness. ... The loss of public trust may easily lead to the spread of individual, and thus necessarily arbitrary, justice. ... Therefore, maintaining and continuously strengthening trust is in the interest of the community and the entire nation. (Borbás, 2014)”

Judicial officers, as individuals exercising public authority but possessing an independent legal status, are subject to multiple liability systems. This multifaceted accountability is a fundamental prerequisite for upholding the rule of law and public trust, serving as a guarantee within the procedures and as pillars that confer legitimacy upon them.

The interaction between different types of liability and the varying degrees of blameworthiness reflect the sophistication of the legal system. Civil liability requires culpability (negligence or gross negligence), but a mere misinterpretation of the law is generally insufficient unless it is manifestly serious and obviously incorrect. Disciplinary liability presupposes culpable breaches of duty or omissions. Criminal liability – particularly in cases of abuse of office – requires intentional conduct, specifically aimed at gaining an unlawful advantage or causing harm.

This differentiated approach ensures that the legal response is proportionate to the severity of the violation and the perpetrator's intent, thereby preserving the integrity of the profession and maintaining public trust.

Civil Liability: Compensation and Non-Pecuniary Damages

The civil liability of judicial officers extends to the reimbursement of damages caused during their activities and to the payment of non-pecuniary damages for violations of personal rights, in accordance with the provisions of the Civil Code (Ptk.) mentioned in the previous section.

With regard to non-pecuniary damages, it is important to highlight that “the function of non-pecuniary damages, as one of the possible sanctions for violations of personal rights, is twofold: on the one hand, it serves a compensatory role for the infringement of personal rights, and on the other hand, it is also to be regarded as a private law penalty aimed at preventing similar violations. When determining the amount of non-pecuniary damages, the punitive function of the legal institution must be taken into account regardless of the extent of the harm suffered by the injured party. Thus, the court may express society’s disapproval through the amount of non-pecuniary damages even if the harm caused to the injured party is not significant.”⁴⁷

To judge non-pecuniary damages, it is sufficient to prove the fact of the violation; proof of actual harm is not required.

Civil Liability for Damages

As previously mentioned, it is important to reiterate that the civil liability of an independent judicial officer for damages is based on the unlawfulness of specific enforcement actions rather than on general irregularities in the entire enforcement procedure. This approach emphasizes the significance of a specific unlawful conduct when determining liability.

The liability system for damages caused in the exercise of judicial authority is thoroughly regulated. According to the relevant provisions, liability for damages arising from the exercise of administrative authority can only be established if the damage could not have been prevented by ordinary legal remedies, or if the injured party has exhausted the available remedies capable of preventing the damage. Since the procedure of an independent judicial officer is equivalent to that of a court, Section 6:548 of the Civil Code (Ptk.) is also applicable to damages caused by the judicial officer during enforcement proceedings.

In the case of an independent judicial officer, the ordinary legal remedy referred to in Section 6:549 (2) of the Civil Code is the enforcement objection. This means that before initiating a damages lawsuit, the injured party must first file an enforcement objection against the specific enforcement act. Essentially – presumably for reasons of practicality and cost-efficiency – the system is designed to first remedy internal procedural irregularities through judicial review before escalating the matter into a general civil liability claim. In other words, the established procedure functions as a procedural filter. This mechanism helps reduce the courts’ workload and encourages self-correction within the enforcement process, ensuring that only significant unlawful acts that cannot be remedied during the enforcement procedure progress to the stage of a damages lawsuit.

The general conditions for civil liability for damages are therefore:

- the unlawfulness of the conduct causing the damage,

⁴⁷ Curia Decision Pfv. IV. 20.432/2019, reasoning paragraphs [24]–[25]

- the occurrence of damage,
- a causal link between the unlawful conduct and the damage,
- the fault (intentional or grossly negligent conduct) of the person causing the damage, and
- the use of available legal remedies by the injured party.⁴⁸

Accordingly, the injured party must prove that they utilized the ordinary legal remedy, as well as the judicial officer's unlawful conduct, the damage, and the causal connection. The judicial officer is exempt from liability if they can prove that their conduct was not culpable.⁴⁹ According to judicial practice,⁵⁰ an incorrect interpretation of the law or an error in the assessment of evidence does not in itself establish liability if no fault is present.⁵¹ Therefore, only manifestly serious and obviously erroneous – i.e., strikingly unlawful – interpretations and applications of the law fall within the scope of fault.

Liability Insurance

Judicial officers are required to take out liability insurance with a minimum coverage of HUF 30 million and to maintain it continuously.⁵² This insurance must cover damages caused by the judicial officer in the course of their professional activities as well as the amounts of non-pecuniary damages awarded for violations of personal rights committed during enforcement proceedings. The existence of liability insurance is verified prior to the commencement of judicial officer service, making it a fundamental prerequisite for starting activities.⁵³

Mandatory liability insurance is thus an essential element of both the functioning of the judicial officer's office and the judicial officer's individual practice, while also serving as the financial backing for compensating injured parties. This mechanism ensures that the possibility of compensation is independent of the judicial officer's current financial situation, thereby it contributes to the stability of the system and the effectiveness of legal enforcement.

The insurance obligation is therefore not merely an administrative requirement but a guarantee that provides security to all parties involved in enforcement proceedings. By shifting the financial risk to an insured entity, the legal system strengthens public confidence that individuals can obtain compensation in the event of a legal injury, regardless of the judicial officer's personal financial condition. This mechanism is vital for maintaining legal certainty and public trust in an area where the application of state

⁴⁸ based on the provision of the Civil Code

⁴⁹ Civil Code of Hungary (Act V of 2013) – Section 6:519

⁵⁰ Budapest Regional Court (Budapest Környéki Törvényszék) Judgment No. 20.P.20.101/2018/32 and Budapest Court of Appeal (Fővárosi Ítéltábla) Order No. Pf.20.291/2021/3, paragraph [21], fourth sentence: "However, if the given legal provision is not clear and allows for multiple interpretations, the judicial officer cannot be held liable for interpreting the provision differently from the court subsequently acting on the enforcement objection."

⁵¹ 3201/2023 (V. 5.) of the Constitutional Court, paragraph [7]

⁵² Section 236 (2). of Act LIII of 1994 on Judicial Enforcement

⁵³ Section 236 (2). of Act LIII of 1994 on Judicial Enforcement

coercion and deficiencies in the comprehensive understanding of legal practice can have significant effects on individuals' property and rights.⁵⁴

Criminal Liability: Abuse of Office, Forgery of Public Documents, and Corruption Offenses

A distinguishing feature of official crimes is that they can only be committed by public officials. The legal provisions applicable to public officials aim to ensure the transparency and accountability of state authorities and to guarantee that these individuals act solely in accordance with legal requirements and in consideration of the public interest. Judicial officers, as public officials,⁵⁵ bear criminal liability in relation to official and corruption-related offenses. The Criminal Code (Btk.) provides detailed regulation of these crimes,⁵⁶ which may also be relevant to the activities of judicial officers.⁵⁷

It is important to note that in 2017 the statute of limitations for corruption offenses was uniformly increased to 12 years.⁵⁸ This legislative change clearly reflects the intent of lawmakers to place greater emphasis and stricter control on combating corruption committed in the course of public service.

By classifying judicial officers as "public officials" under criminal law, the state underscores that their activities are not merely private business transactions but are imbued with public trust and public authority. The extended limitation period for

⁵⁴ Based on my position, pursuant to Section 163 (2) of Act CLXI of 2011 on the Organization and Administration of Courts, the wording "*need not be published*" clearly indicates that courts are under no obligation to publish decisions rendered in enforcement proceedings. However, the statutory regulation does not imply that such decisions could not be published at all. Presumably, the lack of capacity currently overshadows the demand associated with the need to access decisions made in enforcement procedures. Nevertheless, there remains an opportunity for the judicial officer community to establish a database of anonymized decisions – at least of those rendered at the appellate level – for the purpose of familiarizing themselves with such decisions and fostering a consistent judicial practice.

⁵⁵ Criminal Code of Hungary (Act C of 2012) – Section 459 (1) point 11 h)

⁵⁶ Bribery of a Public Official: Whoever seeks to influence a public official in connection with their activities by granting or promising an unlawful advantage to them or to another person in consideration of them (Criminal Code – Section 293 (1)).

Acceptance of Bribery by a Public Official: A public official who, in connection with their activities, requests an unlawful advantage, accepts an unlawful advantage or its promise, or agrees with the person requesting or accepting an unlawful advantage granted or promised to a third person in consideration of them (Criminal Code – Section 294 (1)).

⁵⁷ Abuse of Office: A public official who, with the intent to cause unlawful disadvantage or to obtain unlawful advantage, a) breaches their official duties, b) exceeds their official authority, or c) otherwise abuses their official position.

This offense protects the lawful order of the functioning of public officials and the public trust associated with it. Abuse of office is committed if a judicial officer breaches their duties, exceeds their authority, or otherwise abuses their position with the aim of causing unlawful harm to another or granting unlawful advantage. The presence of intent is an essential element of the crime; without it, a breach of duty does not constitute abuse of office but may only amount to a disciplinary offense.

Forgery of Public Documents: Whoever a) prepares a false public document or falsifies the content of a public document, b) uses a false, forged, or genuine public document issued in another person's name, or c) participates in including false data, facts, or statements in a public document regarding the existence, modification, or termination of a right or obligation (commits the offense defined in Criminal Code – Section 342).

This crime protects the public trust in the authenticity and veracity of public documents. Since an independent judicial officer qualifies as a public official, they may commit this offense by preparing a false public document, falsifying its content, or including a materially false fact in a public document, provided that issuing the document falls within their official authority.

⁵⁸ Criminal Code of Hungary (Act C of 2012) – Section 26 (2)

corruption offenses indicates a recognition of the concealed nature of such crimes and the difficulties involved in their detection. This reflects both a political decision and a societal demand to pursue these offenses more persistently, in order to curb abuses and restore public trust.

Disciplinary Liability and Proceedings

Judicial officers, their deputies and trainees may be subjected to disciplinary proceedings for professional misconduct,⁵⁹ which constitutes an essential element of the internal accountability of the judicial officer profession. A disciplinary offense is committed by any person who culpably violates or fails to fulfil their professional duties as defined by the Act on Judicial Enforcement or other legal provisions, breaches the ethical code, or seriously disregards the guidelines of the Chamber, thereby undermining public trust or damaging the prestige of the profession.⁶⁰

It is important to note that disciplinary proceedings cannot be initiated if the complaint is filed more than six months after the complainant became aware of the act, or if more than five years have passed⁶¹ since the act was committed. However, if the disciplinary offense also constitutes a criminal offense, it is subject to the same limitation period as the criminal act.⁶²

Procedure and Forums

In cases where there is a well-founded suspicion of a disciplinary offense, the President of the Authority, the President of the Regional Court, or the head of the Chamber's administrative body files a complaint with the President of the first-instance Disciplinary Court.⁶³ At first instance, the judicial officers' Disciplinary Court operating alongside the Budapest Regional Court has jurisdiction, while at second instance, the judicial officers' Disciplinary Court operating alongside the Curia hears the case.⁶⁴

The existence of a dedicated disciplinary court system indicates a specialized and formal mechanism of internal accountability within the judicial officer profession. This structure is designed to ensure professional standards and self-regulation, operating separately from general civil or criminal proceedings. The establishment of a separate disciplinary court, rather than relying solely on the general court system, demonstrates recognition of the profession's unique professional standards and ethical considerations. It allows for expert evaluation of professional conduct; however, the effectiveness of this system largely depends on its independence from the advocacy functions of the Hungarian Chamber of Judicial Officers (MBVK) and its willingness to impose substantive sanctions.

The procedure essentially consists of an investigation, a hearing of the judicial officer, and decision-making. The person subject to the proceedings has the right to appoint legal representative.⁶⁵ The MBVK maintains a register of ongoing disciplinary proceedings, including information on the initiating body, the case number, the judicial

⁵⁹ Section 265 of Act LIII of 1994 on Judicial Enforcement

⁶⁰ Section 266 of Act LIII of 1994 on Judicial Enforcement

⁶¹ Section 269 (1) of Act LIII of 1994 on Judicial Enforcement

⁶² Section 269. (2) of Act LIII of 1994 on Judicial Enforcement

⁶³ Section 278 of Act LIII of 1994 on Judicial Enforcement

⁶⁴ Section 270. (2)-(3) of Act LIII of 1994 on Judicial Enforcement

⁶⁵ Section 277. (4) of Act LIII of 1994 on Judicial Enforcement

officer's name, the subject matter of the proceedings, and the decisions made. This data is reported quarterly to the Supervisory Authority for Regulated Activities (SZTFH).

Conceptual Differences between Liability and Guarantee ("Place of Performance") in Enforcement Law

In Hungarian private law, there is a significant distinction between **liability** (responsibility based on culpable conduct) and **guarantee/strict responsibility** (responsibility for the result regardless of fault).

"In the event that a legal entity is liquidated and therefore cannot settle all its debts, the law traditionally obliges persons close to the debtor to satisfy the remaining claims of creditors. Previously, the payment obligations of successors, executive officers, members, former members, and the successors of members (who have ceased to be members) were typically regarded as liability, or secondary liability; sometimes – avoiding classification – it was specified from the perspective of the entitled party, indicating from whom the original debtor's outstanding debt could be claimed."

During the recodification of the Civil Code (Ptk.), situations where a person is obliged to make a payment solely to ensure that the creditor's claim is satisfied were explicitly separated from the concept of liability. When the law prescribes the payment of a debt by someone who cannot be held culpable for its creation, and whose obligation originally rested with another party, such reimbursement is referred to as **guarantee** in Book Three of the new Civil Code (Miskolczi Bodnár, 2017).

The Civil Code consciously uses the term **strict responsibility** in certain situations (e.g., liability of company members for the company's debts) to indicate that this is not a sanction for culpable conduct but rather a mechanism for **risk allocation** or **coverage**.

While the Civil Code discusses liability and guarantee primarily in the context of corporate law, its relevance for judicial officers lies in whether certain financial or procedural obligations are subject to stricter **guarantee** standards rather than liability requiring proof of fault. According to Section 236 (1) of the Act on Judicial Enforcement, judicial officers are required to pay compensation under the rules of the Civil Code, which presupposes liability based on fault.

However, the general conceptual distinction is crucial for a nuanced understanding of legal accountability. Applying this differentiation to judicial officers may reveal subtle but significant differences in how their accountability is legally regulated. If certain aspects of their financial obligations (e.g., handling of collected amounts, management of seized assets) fall under **guarantee**, this imposes a higher, potentially fault-independent standard of care, reflecting the level of public trust placed in them.

From a doctrinal standpoint, this distinction deepens the analysis of accountability. If a judicial officer is only "liable" for damages, the injured party must prove fault. Conversely, if "guarantee" applies to some of their duties, they are strictly responsible for certain outcomes, regardless of fault. This shifts the burden of proof and potentially broadens the scope of their financial exposure. This differentiation is fundamental to understanding the full extent of their legal obligations and the protection of affected parties.

Table 2. Types of Judicial Officers' Liability and Their Legal Basis in Hungarian Law

Type of Liability	Legal Basis / Main Legislation	Main Features / Mechanisms	Purpose
Civil Liability (Compensation, Non-Pecuniary Damages)	Vht. Sections 217 and 236 (1)-(2), Ptk. Sections 6:548–6:549	Unlawful act, damage, causal link, fault. Mandatory liability insurance (min. HUF 30 million), non-pecuniary damages, extended liability for deputies/trainees.	Compensation for damages, redress for violations of rights, and prevention of future infringements.
Criminal Liability (Abuse of Office, Corruption)	Criminal Code (Btk.) Sections 290–300, 305	Public official status, intent (unlawful advantage/disadvantage), extended limitation period (12 years for corruption).	Sanctioning criminal offenses, protecting public trust, reducing abuses.
Disciplinary Liability	SZTFH Decree 10/2021 (X.29.), Vht. Section 266 (1)-(2), Code of Ethics	Culpable breach or omission of professional duties, violation of ethical standards, undermining public confidence. Specialized disciplinary courts (first and second instance), proceedings initiated from complaints, registry of cases.	Maintaining professional standards, enforcing ethical norms, preserving the prestige of the profession.

Source: own work

Supervision, Oversight, and Complaint Handling in the Enforcement System

Supervisory, oversight, and complaint-handling mechanisms play a crucial role in ensuring both the independence and accountability of judicial officers. These institutional safeguards are designed to guarantee that enforcement activities are carried out in compliance with legal provisions and ethical standards, while also ensuring that parties who may have suffered harm have access to appropriate remedies.

The Supervisory and Oversight Role of the Hungarian Chamber of Judicial Officers (MBVK)

The Hungarian Chamber of Judicial Officers (MBVK) operates as a public body, performing public duties and exercising rights and obligations defined by law. It represents and protects the interests of judicial officers, deputy judicial officers, and judicial officer trainees, while also carrying out statutory tasks related to enforcement services.⁶⁶ Due to its function of “performing public duties,” judicial officers function within a defined legal framework as members⁶⁷ of this public body, with an obligation to pay membership fees.⁶⁸

⁶⁶ Section 250 of Act LIII of 1994 on Judicial Enforcement

⁶⁷ Section 250 (5) of Act LIII of 1994 on Judicial Enforcement

⁶⁸ Section 253 of Act LIII of 1994 on Judicial Enforcement

The Act on Judicial Enforcement highlights a particular contradiction: expenses related to the Chamber's interest-representation activities are primarily covered by membership fees, which are managed in a separate account controlled by the Chamber's presidency. This dual structure – simultaneously functioning as a supervisory authority and an interest-representative organization – gives the judicial officer profession a characteristic similar to that of a public service, yet raises concerns about potential conflicts of interest.

The MBVK's official body regularly inspects the case management, administrative operations, and conduct of independent judicial officers.⁶⁹ The rules governing these inspections are detailed in regulations and internal policies to ensure the thoroughness and legality of investigations. Furthermore, an internal auditor contributes to the legality and compliance of the Chamber's own operations.

However, the MBVK's dual role – as both a supervisory authority and an interest-representative organization – carries inherent tensions. These conflicting interests may undermine the objectivity and effectiveness of its supervisory functions, particularly when inspecting fee-paying members. On the one hand, an organization may struggle to regulate and discipline its own members objectively while simultaneously representing their interests and relying on their membership fees. On the other hand, members primarily expect the Chamber to act as an advocate for their interests, which implies that inspections are likely to be more preventive than sanction-oriented.

An increase in the number of disciplinary proceedings could legitimately raise questions regarding the Chamber's ability to balance its interest-representation role with its supervisory responsibilities. Such internal conflicts may also cast doubt on the MBVK's independence and effectiveness as both a supervisory and representative body.

The Supervisory Role of the Supervisory Authority for Regulated Activities (SZTFH)

The Supervisory Authority for Regulated Activities (SZTFH) exercises general oversight over the operation of the judicial officer organization and the MBVK.⁷⁰ This supervisory authority includes the right to audit the MBVK's financial management and information systems. The SZTFH's external control role provides an additional layer of oversight over the MBVK, potentially mitigating conflicts of interest arising from the Chamber's dual nature as both a supervisory body and an interest-representative organization.

The effectiveness of this external supervision, however, depends on the SZTFH's resources, independence, and willingness to intervene actively. Given the inherent conflicts of interest that may arise within the MBVK – whether with its members or with other entities – an independent external supervisory body is essential. The SZTFH fulfils this critical role.

The authority's power to audit financial and IT systems represents a particularly strong supervisory tool, indicating a serious regulatory intent. Moreover, the SZTFH, together with the MBVK, annually reviews complaints to determine whether legislative amendments, the issuance of new guidelines, the initiation of uniformity decisions, or amendments to the Chamber's complaint-handling regulations are necessary. This

⁶⁹ SZTFH Decree 9/2021 (X. 29.) on the *Detailed Rules for the Conduct of Inspections into the Case Management, Office Operations, and Conduct of Independent Judicial officers* – Section 5

⁷⁰ Section 230 of Act LIII of 1994 on Judicial Enforcement

cooperative review process enhances the adaptability and responsiveness of the enforcement system to emerging issues and public concerns.⁷¹

Complaint Handling System and Remedies

A disciplinary complaint must be distinguished from an enforcement objection. The essential difference is that enforcement objections are adjudicated by the enforcing court, whereas complaints are investigated by the Chamber of Judicial Officers (MBVK).

The detailed rules governing the complaint-handling system related to enforcement activities are set out in Decree 10/2021 (X.29.) of the Supervisory Authority for Regulated Activities (SZTFH) on the management of complaints filed against independent judicial officers, the supervision of complaint cases, and the register of disciplinary proceedings. The aim of the complaint procedure is to strengthen and protect public trust in the judiciary by enforcing the right to a fair procedure.

A complaint is a request aimed at eliminating an individual right or interest violation, the handling of which does not fall within the competence of a court, authority, or other body.⁷² A complaint particularly qualifies as such when the judicial officer fails to fulfil their duty to provide information, demonstrates inappropriate behavior, or is unavailable during office hours.

Complaints can be submitted orally (recorded in minutes) or in writing (preferably on a standardized form provided by the Chamber) to the MBVK. Within five working days, the MBVK must examine whether the complaint falls under the jurisdiction of another body. If so, it forwards the complaint to the competent court, authority, or to the acting judicial officer if it qualifies as an enforcement objection. The MBVK has 30 days to investigate the complaint, which may be extended in justified cases.

During the investigation, the MBVK may request written information from the judicial officer concerned, conduct a personal hearing, and obtain the case files. The personal data of the complainant may not be disclosed without their consent. Repeated complaints with identical content or complaints from unidentifiable persons may be dismissed without investigation.

If the complaint is found to be justified, the MBVK takes measures to eliminate the violation of rights. These measures may include urging the judicial officer to correct administrative deficiencies, initiating an investigation into the judicial officer's operations, informing the complainant about possible claims for damages or non-pecuniary compensation, or initiating disciplinary proceedings if a disciplinary offense is suspected.

The complainant has the right to submit a request for review to the head of the MBVK's administrative body if they disagree with the decision made during the complaint investigation.

The MBVK keeps a register of complaints and disciplinary proceedings and regularly reports this information to the SZTFH. The SZTFH monitors compliance with complaint-handling rules and intervenes when necessary, for example, by requesting an action plan from the MBVK or initiating the issuance of further notifications to the complainant. Together, the SZTFH and MBVK review closed complaint cases annually to

⁷¹ SZTFH Decree 10/2021 (X. 29.) on the *Management of Complaints Against Measures Taken by Independent Judicial Officers, Supervision of Complaint Cases, and Register of Disciplinary Proceedings* – Section 8 (4)

⁷² SZTFH Decree 10/2021 (X. 29.) on the *Management of Complaints Against Measures Taken by Independent Judicial Officers, Supervision of Complaint Cases, and Register of Disciplinary Proceedings* – Section 2 (1)

assess, among other things, the need for legislative amendments, new guidelines, or uniformity decisions.

Future Challenges and Directions

The expansion of digitalization and electronic administration has brought new challenges and opportunities in interpreting and applying liability rules. In particular, issues related to data controller liability (which rests with the individual judicial officer) and the management of cybersecurity risks may require further clarification through legislation and judicial practice. The concept of professional duty for judicial officers increasingly encompasses responsibilities concerning data security and the protection of personal data, especially in light of the requirements set by the GDPR.

Due to the introduction of electronic auction systems, electronic case management systems, and electronic delivery systems means that digital vulnerabilities, data protection incidents, or improper data handling are becoming potential sources of future liability cases. This necessitates the continuous adaptation of the legal framework to technological developments to ensure that public trust and the protection of individual rights are safeguarded within the digital enforcement environment.

Furthermore, the ongoing development of judicial practice and the collection and analysis of known or published case law are essential for the accurate interpretation and application of liability rules. It is the responsibility of legal scholarship and the enforcement organization to monitor and analyze these developments, thereby contributing to the adaptation of the legal environment and the strengthening of legal certainty.

Conclusions

1. Problems of hybrid legal status. – Judicial officers work both as private entrepreneurs and public officials, creating tensions between independence and accountability. This duality increases the risk of abuse and undermines public trust.
2. Balancing independence and oversight. – Ensuring the independence of judicial officers is essential, yet current supervisory mechanisms do not always guarantee transparent and objective control.
3. Distorting effect of the remuneration system. – The performance-based fee structure encourages efficiency but potentially threatens impartiality and may foster more aggressive enforcement practices.
4. Lack of public trust. – Media reports of abuses and the high costs of enforcement contribute to social dissatisfaction, weakening confidence in the justice system.
5. Complexity of the liability system. – The coexistence of civil, criminal, and disciplinary liabilities ensures accountability, but in practice, it may create unpredictability (e.g., in the awarding of damages for non-pecuniary harm).

Recommendations

1. Clarification of legal status. – A legislative reform is needed to clearly define the status of judicial officers, reducing conflicts between their entrepreneurial and public service roles.
2. More transparent appointment and dismissal procedures. – Making the role and decision-making processes of the Supervisory Authority (SZTFH) more transparent and strengthening appeal mechanisms could enhance independence and the profession's prestige.
3. Reform of the remuneration system. – The proportion of performance-based elements should be reconsidered to prevent disproportionate actions and instead encourage legality and fairness.
4. Strengthening ethical and professional training. – Regular ethical training for judicial officers and more active professional support from supervisory bodies could reduce the number of abuses.
5. Enhancing public trust. – Improving communication about enforcement procedures, facilitating access to complaint mechanisms, and making accountability more visible would contribute to greater social acceptance.
6. Standardization of compensation practices. – A more consistent judicial practice regarding non-pecuniary damages would reduce legal uncertainty and improve victims' chances of obtaining redress.

Summary

The independence and liability of judicial officers in the Hungarian legal system form a complex and dynamic issue with a fundamental impact on the rule of law, the effectiveness of justice, its public perception, and ultimately, public trust. The hybrid status of judicial officers – combining a private entrepreneurial position with public authority tasks – creates an inherent tension between the profit motive and the impartial service of the public interest. This tension is reflected in appointment procedures, the performance-based remuneration system, and the mechanisms of supervision and accountability.

Judicial Officers' independence is guaranteed by a seven-year appointment term, professional qualification requirements, the legal equivalence of their procedures to court proceedings, and the possibility of judicial review of their actions. At the same time, the remuneration system, which directly links earnings to the success of enforcement, may generate conflicts of interest and potentially influence judicial officers' conduct and operations.

Accountability is ensured through civil liability (compensation, non-pecuniary damages, mandatory liability insurance), criminal liability (abuse of office, corruption), and disciplinary liability (disciplinary courts, ethical codes). The conceptual distinction between "liability" and "guarantee" (strict responsibility) adds further nuance to the understanding of judicial officers' legal obligations. Criminal sanctions, particularly the extended statute of limitations for corruption offenses, highlight the state's commitment to curbing abuses.

In the supervisory system, the dual role of the MBVK – as both a supervisory body and an interest-representative organization – carries potential conflicts of interest that may undermine the objectivity of both its advocacy and oversight functions. External supervision by the SZTFH, especially through audits of financial and IT systems, provides an important corrective mechanism, though its effectiveness depends on various factors, including resources, independence, and the willingness to intervene. The detailed rules of the complaint-handling system provide an additional procedural guarantee, ensuring other remedies are available.

The increasing workload, the financing of enforcement procedures, and public criticism suggest that current issues may stem not only from regulatory shortcomings but also from deeper systemic or structural causes. This underlines the need for comprehensive reforms that go beyond legislative amendments to include a fundamental rethinking of the operation of the judicial officer organization. Future reforms should strive to create the optimal balance between independence and accountability, taking into account Hungarian specificities to strengthen public trust and improve the effectiveness of enforcement.

As a closing thought, it is worth reflecting on Decision 22/2019 (VII.5.) of the Constitutional Court, considering what meaning could be associated with an excellent judicial decision in the absence of an independent enforcement body and organization. Could the reasoning be interpreted if judicial independence were replaced with enforcement independence, and if we understood “decision” as an enforcement procedure and “judicial organization” as the MBVK?

“Judicial independence and its regulation are millennia-old values in Hungary, forming a fundamental tenet of the principle of separation of powers and an organic part of the historical constitutional achievements as stated in Article R (3) of the Fundamental Law. It can therefore be stated that a judge is granted broad authorization by law to decide on the affairs of citizens precisely to exclude all external factors when making decisions and to ensure that decisions are made impartially and solely in accordance with the law. In civilized societies (not based on self-justice), citizens may turn to an organization whose representatives, the judges, decide the disputed issue exclusively on the basis of the law, eliminating the necessarily subjective approaches of the parties. Citizens can also turn to an independent court when seeking to enforce their rights against a state or administrative body. Judicial independence means nothing more than the opportunity to ‘win’ against the state – the chance to challenge the ‘arbitrariness’ of power and to have an independent court decide in their favor through the interpretation of applicable rules. These principles are violated if administrative courts, with regard to their appointment and operational rules, fall under the competence of a sectoral minister and may operate under their influence in certain matters. Independence in such cases is merely an illusion, as the minister announces tenders, interviews candidates, decides on leadership and judicial applications, may declare tenders invalid, appoints court administrators, decides on transfers and assignments, grants titles, plans and decides on fundamental budgetary issues affecting the courts, reallocates funds, approves organizational and operational regulations, determines staffing levels, maintains personnel records, and performs other administrative tasks that should fall under the competence of the leadership of the given branch of power. Furthermore, it is problematic that the minister directs internal audits of the courts, thus having a virtually unilateral influence on inspections. From a constitutional perspective, the situation is particularly indefensible because a political leader of the executive branch would exercise such powers over the independent judiciary.”

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A VÉGREHAJTÓK FÜGGETLENSÉGE ÉS FELELŐSSÉGE MAGYARORSZÁGON

SÓRE ZOLTÁN

Montesquieu „A törvények szelleméről” (De l'esprit des lois) című, 1748-ban megjelent munkájában fogalmazta meg máig ható hatalommegosztási tanát. Ő törvényhozó, nemzetközi jog alá tartozó, valamint polgári jogi kérdésekre vonatkozó végrehajtó hatalmat különböztetett meg, utóbbin lényegében az igazságszolgáltatást értve.

„Montesquieu szerint az angol királyság azért funkcionált, mert több hatalom van egymással szemben, és a törvényhozó és igazságszolgáltató hatalom különösen körül van bástyázva a hatalomkoncentráció veszélyét leginkább megtestesítő végrehajtó hatalommal szemben.” A közhiedelemmel ellentétben azonban nem Montesquieu alapozta meg a három klasszikus hatalmi ágot, hanem már Arisztotelész is említette a közügyekről tanácskozó testületet, a magisztrátusokat és az igazságszolgáltatás szervét, ami megfeleltethető a törvényhozás-végrehajtás-igazságszolgáltatás trichotómiájának. Arisztotelész a politeiát tekintette a helyes hatalmi berendezkedésnek, mely a demokrácia és az oligarchia ötvözete.

A hatalmi ágak klasszikus szétválasztása révén következtethetünk arra, hogy az egyes hatalmi ágak a szétválasztás eredményeként a saját függetlenségüket is magukban hordozzák, megjegyezve azt, hogy „A három hatalmi ág több állami szerven keresztül gyakorolja hatalmát, s e szervek hatásköreinek tekintetében átfedések is megfigyelhetők.”

Ezt követően pedig joggal vetődhet fel az a kérdés, hogy a bírósági végrehajtás, a bírósági végrehajtó független-e és vajon mely hatalmi ág keretében fejtheti ki a tevékenységét. Mindezt tehetjük azért is, mivel "A végrehajtó a jogértvényesítéskor közhivatalnok vagy köztisztviselő, aki nem a hitelező nevében jár el. Az állam, a nyilvánosság nevében jár el."

Jelen dolgozat tehát a bírósági végrehajtás intézményének kulcsfontosságú aspektusait, a végrehajtók függetlenségét és felelősségét kívánja elemezni a magyar jogrendszerben. Álláspontom alapján a végrehajtható bírósági / közjegyzői határozatok érvényesítését biztosító végrehajtási rendszer elengedhetetlen a jogállamiság működéséhez, ugyanakkor a végrehajtók közhatalmi jogosítványai szigorú elszámoltathatóságot tesznek szükségessé. A tanulmány célja feltárni a függetlenség és a felelősség elméleti alapjait, valamint ezzel kapcsolatban a bírósági végrehajtásról szóló 1994. évi LIII. törvény (Vht.) által meghatározott végrehajtó és végrehajtói iroda jogállását, azok felelősségi rendszerét támpontul véve. E körben vizsgálja a végrehajtók kinevezési- és javadalmazási rendszerének kapcsolatát, kiemelve a teljesítményalapú díjazás függetlenségre gyakorolt potenciális hatásait. Elemzi a végrehajtók polgári, büntetőjogi és fegyelmi felelősségének típusait és mechanizmusait, különös tekintettel a kötelező felelősségbiztosításra, a hivatali visszaélés és korrupciós bűncselekmények, valamint a fegyelmi bíróságok szerepére.

Kulcsszavak: bírósági végrehajtás, függetlenség, elszámoltathatóság / felelősség, közbizalom, felügyeleti hatóság