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From Fragments to Drafts Hungarian Jurisprudence on Administrative Procedural Law until 1945

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Abstract: The paper aims to give a historical overview of the pre-codification of Hungarian administrative procedural rules. Therefore, the main stages and the main actors of an era that started with rules of fragmentary style and law books with ambiguous or a simple descriptive character regarding Hungarian administrative procedures are presented in the paper. The first part is devoted to a detailed examination of the origins of administrative law and administrative science until the end of the nineteenth century in Hungary. The second part of the paper provides an analysis of the Simplification Act, and the period of the first schemes for classification of administrative procedures (1901–1957) in Hungary. From this period, we should underline the appearance of the scientific school led by Zoltán Magyary and the preparations of the Administrative Procedural Code by József Valló.

Keywords: Hungary, administrative procedural law, historical background

1. Introduction

The comprehensive body of different level legal rules labelled as administrative procedural law (or simply: administrative law) plays an important role in safeguarding and guaranteeing our rights towards an administrative agency or public body. All European countries and the European Union itself do have a sophisticated branch of legal rules providing for the manners of administrative action, legal remedies, forms and substance of a public action and so on. For more than sixty years the Hungarian legal system also contains a Code, an Act of Parliament for general rules of administrative procedure, while many special Acts and Government decrees provide for further details of central, territorial or local administrative actions. It is more than self-evident that such norms should exist in a modern constitutional state and their content tends to become alike in most of the EU member states. It is (or should be) also self-evident that the enactment of such norms was anticipated with a long period of proposals, drafts and procedural regulations of embryonic nature. As administration changed, administrative systems of countries developed, the law had to follow the changes and the ways where Administration moved. In this article I try to present the main stages and the main actors of an era that started with rules of fragmentary style and law books with ambiguous or a simple descriptive character, but by the end it

could face the first draft of general codes of administrative procedure as one of the main results of Professor Magyary's Hungarian Institute of Administration.

2. The origins of Administrative Law and Administrative Science until the end of the nineteenth century

Thinking on public law in Hungary, it was strongly determined by the emphasis placed on independence (Beöthy, 1900; Beöthy, 1905; Beöthy, 1906; Andrássy, 1901; Andrássy, 1905; Andrássy, 1911) of the Hungarian state (to varying degrees throughout history), even at the expense of revolutions and wars of independence. These include the Dózsa Rebellion (a peasant revolt, 1514),[1] which had begun as a crusade against the Ottomans; the uprising of Stephen Bocskai against the Habsburgs (1604–06) (Benda, 1993), during which he was elected Prince of Transylvania and Hungary; the similarly-oriented Rákóczi's War of Independence (1703–11) (R. Várkonyi, 1979) led by Francis II Rákóczi, another Prince of Transylvania; and the Hungarian Revolution of 1848, also known as the Hungarian War of Independence (1848–49) (Spira & Arató, 1955), which is primarily associated with Governor-President Lajos Kossuth, and which was also directed against the Habsburgs.

From the 10th century until 1949, Hungary had a historical constitution, similar to that of England. The main characteristic of a historical constitution is that it is an unwritten (uncodified) legal document. This means that the constitution is not contained in a single fundamental statute, but is composed of several important 'basic laws' and other significant legal documents. The parts of the Hungarian historical constitution consisted of numerous important basic laws, the Admonitions of Saint Stephen, the customary law detailed in the Tripartitum of István Werbőczy, and the Inaugural Diploma (Zétényi, 2010, p. 1407; Fogarasi, 1861; Horváth, 2011). The Doctrine of the Holy Crown – concerning the Holy Crown of Hungary and connected with the person of Saint Stephen (968–1038), the first Hungarian king (as Stephen I) from the Árpád dynasty, and traditionally known as the founder of the Christian state of Hungary – should also be emphasised. The doctrine specifically connected the state's legal personality to this crown. The Holy Crown of Hungary is the emblem of the Hungarian state and the Hungarian people (Timon, 1903; Eckhart, 1941). The most important developer of the notion of the Holy Crown was the Hungarian nobleman István Werbőczy (1458–1541), an ideologue and compiler of noble law (customs, Latin: *consuetudo, ius consuetudinarium*).[2] The 1848–49 revolution was followed by the Austrian–Hungarian Compromise of 1867 (German: *Ausgleich*) which, in the decision to use the name "Austro–Hungarian Monarchy" with its hereditary territory and other states under Habsburg rule, was intended to reflect the key status of Hungarians

[1] György Dózsa was a Székely Hungarian member of the lower nobility, the leader of the army of crusaders. The peasant-based army under his direction attacked the troops of Hungarian noblemen. Later the fear of armed peasants appeared as one third of the country came under Ottoman (Turkish) rule. Surprisingly, the turn of events played an important role in social criticism, which was fostered by the sermons of members of the Franciscan Observant Order.

[2] István Werbőczy was the collector of the customary law of the nobility, such as his contemporaries, the Polish Jan Łaski (1456–1531), or the Czech Kornel Viktorín Vsehrd (1460–1520).

in public law. However, the Hungarian role in actual (political) decision-making was considerably less than would be evident from this political structure (Szabad, 1977, p. 184).

We should underline that no two public administrations are identical. Both practical and theoretical issues can present themselves in different ways to different types of states. The recognition and conception of problems can differ by state. This does not mean that states do not seek similar or even common models (Tamás, 2010, pp. 76–77). Administrative procedures and related laws are, in part, a function of codes of administrative procedure (or the lack thereof) and administrative court procedures (both contentious and non-contentious). Hungarian legal literature was already dealing with the issue of procedural law prior to 1945 (Kmety, 1907, pp. 179–217). (Not long ago, in 2017, many of these volumes were reprinted: Boér, 2017; Tomcsányi, 2017; Egyed, 2017; Szontagh, 2017). At the same time, Hungarian administrative procedural law exists in an international environment and, despite the country's linguistic isolation, it was published as part of international handbooks both before 1945 (Ferdinandy, 1909; Márkus, 1912) and during the socialist period (1945–89) (Szamel & Ivancsics, 1990), and is still being published today (Lőrincz, 1998; Boros, 2014; Jakab, 2011). However, the fact remains that codified financial administrative jurisdiction (1883) is the foremost among Hungarian administrative procedures, and that certain administrative procedures existed prior to administrative jurisdiction. This is true even if administrative procedures were studied only from the Compromise of 1867 onwards (Paulovics, 2012); indeed, during the socialist period it was heavily stressed, erroneously, that Hungarian administration was not a subject prior to 1867, as Hungary was not independent (Szamel, 1977; Csizmadia, 1976). Nevertheless, today's Hungarian administrative theory has transcended these opinions, and Hungarian administrative science has been studied since the Polizeiwissenschaft of the 18th century (Koi, 2013; Koi, 2014).

The development of Hungarian administrative procedural law took place later than that of criminal procedural law and civil procedural law, and its aims and tendencies were also different (Boros, 2019; Stipta, 1999). The *preparatory steps* preceding measures for substantive administrative decisions, and the decision itself (the administration of the case), constituted a key subject during the feudal age, i.e. much earlier than the Compromise. During the Habsburg period, several resolutions (royal announcements) issued at a very high level attempted to simplify those activities of court and national offices which related to preparing decisions and administration, and at the same time tried to make them quicker and more effective. In 1724, an *"administrative directive"* appeared, which dealt fundamentally with issues that today are regarded as of a procedural or case-management nature, and yet are relevant from the point of view of handling cases: registration, issuing of documents, preparation of the minutes of deliberations, presenter reports, inter-office communications and the precise recording thereof, and the introduction of forms. Several announcements followed the first during the eighteenth century (1754, 1769, and 1784). Finally, in 1792, court decrees laying down detailed rules for administration completed the royal announcements. Subordinate national offices and other, centrally administered public offices had to act according to regulations issued for

central (court) bodies. In the Hungarian administrative science, the next era after the Polizeiwissenschaft (1769–1840) was the period of the administrative legal model. The first Hungarian scholar of this science was Ignác Zsoldos (1803–1885), a country judge (Hungarian: *szolgabíró*, Latin: *iudex nobilium,* German: *Stuhlrichter,* Slovak: *Slúžni*) and legal writer (publicist), who was one of the first jurists (legal scholars) member of the Hungarian Academy of Sciences. Individual procedures related to administration in the activities of country judges and their offices (corresponding to today's district offices) appeared in his two-volume major work of 1842. The role of country judges and their offices was strengthened by the fact that the distant central administration managed from Vienna was only imperfectly built up. Such procedures included the election of municipal judges and clerks (Section 1 of Act IX of 1836) and the endorsement (Latin: *vidimatio*) of country judges who authenticated state documents. Under the Bach System and Schmerling Provisorium that followed the 1848–49 revolution, the teaching of administrative law began and an independent professorship of administrative law was set up at the University of Pest. The first Hungarian university professor of administrative law was Emil Récsi, the member of the Hungarian Academy of Sciences. His monumental, a thousand and five-hundred-pages long, Hungarian-language monograph (Récsi, 1854a, 1854b, 1854c, 1855) introduced administrative organisational law, public service law, and the details of individual administrative bodies. From the point of view of procedural law, the procedures of the Imperial Council and the Hungarian municipal committees were noteworthy. The Austrian model placed an emphasis on the importance of administration. At the same time, it expanded the material and procedural legal practices of the Hungarian Royal Council of Governor-General (Latin: *Consilium regium Locumtenentiale Hungaricum*) (Patyi & Koi, 2019).

The separation of public administration and justice occurred in 1869. In addition to independent administration of criminal justice, the so-called administrative criminal law materialised from 1879 (Act XL of 1879 on Violations) (Boros, 2019, pp. 12–13) in the procedures of administrative bodies. In 1869, jurisdiction was withdrawn from the counties and Royal Free Cities to the Royal Courts of Appeal. Thereafter, the administrative bodies passed judgement only on the most minor offences (falling within administrative criminal jurisdiction). On the basis of the first law on boroughs (local councils) (Act XLII of 1870 on the Classification of Boroughs), the boroughs performed their own local governmental activities, took part in the provision of public administration, and facilitated state administration. The regulation of external and internal procedures was not strictly separated in the law, as it primarily regulated the procedures of boroughs. It nevertheless laid down the forum system and the right of appeal to the minister against adverse decisions (Section 4).

Administrative jurisdiction in Hungary was not unprecedented. Győző Concha (1846–1933), the member of the Hungarian Academy of Sciences, an outstanding scholar of the study of public administration (German: *Verwaltungslehre*), first addressed administrative jurisdiction in Hungary at an academic level (Concha, 1877). Act XLVIII of 1883 set up the Court of Financial Administration. The court dealt with financial, tax and duty cases, including enforcement complaints. The Council of Ministers decided in cases of

jurisdiction and competence. The right to adopt a decision prior to the emergence of administrative legislation was created at the last minute (Boncza, 1895). Act XXVI of 1896 on the Hungarian Royal Administrative Court (hereinafter referred to as the HRAC) set up the Administrative Court based on Austrian precedents. The law came into force on the 1st of January 1897, and the Financial Administrative Court was incorporated into the Administrative Court. The court had general jurisdiction, and was a judicial body for single-level procedures that acted as a special court (i.e. it was the only administrative court in the country). It decided on the validity and legality of individual decrees (ex post review). Its president and judges were equal to those of the Curia.

The financial division considered tax and duty cases, and the general administrative division other cases. The latter included cases on: parish, borough, and state pensions; public health; religious and public education; water rights; public roads and railways; animal health; forestry, hunting, and fishing; community housing (until 1920); and domestic servants, day labourers, and labourers (Martonyi, 1932; Martonyi, 1939; Martonyi, 1960; Patyi, 2002; Patyi, 2011; Koi, 2019; Patyi, 2019).

3. The Simplification Act, and the period of the first schemes for classification of administrative procedures (1901–1957)

The first law to explicitly deal with regulation of external administrative procedures was Act XX of 1901 on the Simplification of Public Administration, which was a very mixed piece of legislation in terms of its regulatory subjects. It regulated the criminal jurisdiction (concerning violations or, with a present-day expression, infractions) of the police, and the handling of the monetary proceeds of offences, as well as public and "orphan" money, but more importantly, it regulated the system of delivery and legal remedies of judgments. The effect of this legislation was to "establish the uniform system of legal remedies aligned with administrative judicial processes" (Lőrincz, 2000, pp. 36–37; Lőrincz, 2005). Therefore, with respect to the course of external processes, the legislation only regulated legal remedies and the system of delivery of documents. The main goal of framing the law in relation to legal remedies was to eliminate the remedies' "irregularities" through simplification in the nomenclature of classes and individual legal remedies. In accordance with the new rule restricting appeals, they could no longer be lodged against judgments of courts of third instance, just as they could no longer be lodged against judgments (measures) of courts of second instance of equal content as those of first instance. This law introduced (comprehensively regulated) the application for a *rehearing* of disputed cases.

Let us review the opinions of contemporary jurists following the advent of the law. Ferenc Vasváry (1872–1952), then a visiting lecturer at the University of Budapest, first dealt with administrative procedures from the explicit point of view of administrative law in the following sections of the chapter on Administrative Procedures in his 1902 textbook on administrative law: Administrative Regulation, Legal Remedies, Delivery, and Administrative Implementation (Vasváry, 1902). The term "code" as a name for administrative regulation (Paulovics, 2012) was first used in Hungary by Vasváry, presumably following the model of the German *Verwaltungs(gerichts)ordnung*. (In other words, the

technical term was known in national law before the appearance of József Valló). Vasváry points out that it was formerly characteristic of administration to lack proper (written) regulations, both in Western Europe and in Hungary. When substantive provisions and their real method of application arose, the administrative procedure was not bound to regulations, except (in Hungarian law) trading licenses, compulsory purchases, tax assessments, and military conscription, he points out following Georg Meyer (1883–1885) and Karl Stengel (1886). He also makes clear that the principles of procedures (including contentious and non-contentious administrative procedures) gained customary regulation at least in broad outline (Vasváry, 1902, pp. 135–140).

Andor Sigmond, a teacher and director of the Academy of Law in Nagyvárad (Oradea), wrote the first substantial Hungarian monograph on administrative procedural law (Sigmond, 1904). The sources of the work are not indicated, but the extensive 500-page volume basically builds on Hungarian legislation. The monograph describes the administrative authority and the parties as the actors of the administrative procedure. It distinguishes procedures between the authority and the parties, those between authorities, and the internal procedures of authorities (in Hungarian *"kebelbeli eljárás"*). (The latter is "inward representation" in case of individual authorities and collegiate bodies). The monograph also examines evidential and review procedures in detail (Sigmond, 1904, pp. 123–500).

Regarding the period after 1901, it is worth mentioning the expansion of inspection of the legality of state supervision over the local councils' jurisdiction by the Administrative Court, and the establishment of the Jurisdictional Court in 1907, while it is important, from the point of view of the administrative procedure, to mention Act XXX of 1929 on the Simplification of Public Administration. Section II of this act, entitled "Legal Remedies, Official Classifications and Procedural Regulations", contained some twenty paragraphs of procedural provisions. A minority of its provisions dealt with the issue of official procedures, in which area it mainly attempted to reregulate the system of legal remedies. One of the main goals of the act was to accelerate public administration procedures, and thus it sought to restrict appeals to reasonable limits and, during the setting of jurisdiction, to concentrate the majority of cases within *individual authorities*. Some assessments have emphasised the drawbacks and restricted nature of this legislation. In addition to defining the right of appeal in general terms and as a "customer's right", it generalised appeals against judgments on substantive issues by courts of first instance, but it tied appeals against (final) judgments of courts of second instance to the explicit provisions of later legislation. It reregulated petitions for review, petitions for exception, rehearing requests, and the location and deadline for the presentation of appeals, and it also provided for the suspensive effect of appeals, that is, for appeals to have a suspensive effect on enforcement, while petitions for review, appeals to the supreme court, and rehearing requests do not have this as a general rule. This act was the harbinger of thinking on comprehensive procedural regulation, particularly when supplemented by Act XVI of 1933 (which, unfortunately, was not enacted), which sought to introduce further simplification of the forum system and a complete single level of appeal, abolishing the legal remedy character of the ministerial and central authorities. Certain provisions of the 1929

act remained in force until the 1950s, and its final remaining provisions were repealed by paragraph (2) of Section 90 of Act IV of 1957.

The approach in the wake of Győző Concha, according to which the necessity for or, at any rate, the possibility of general regulation of administrative procedure is denied, was practically dominant up until the appearance of the scientific school led by Zoltán Magyary (1888–1945) (Szamel, 1977, pp. 161–265; Csizmadia, 1976, pp. 409–421; Csizmadia, 1979, pp. 434–451; Szaniszló, 1977, pp. 281–389; Szaniszló, 1993; Koi, 2015).[3] (The Magyary school, in addition to public administration law and studies, integrated the new trends of sociology, political science and, in particular, American scientific management, while preserving Hungarian national traditions of public law.)

In the 1880s in the United States of America, the public administration-related modern political sciences and scientific management-based thoughts appeared. This tendency strengthened by and large in 1930, and started to take over the thought-provoking role. In 1931, Magyary founded the Institute of Hungarian Administrative Sciences at Pázmány Péter University, Faculty of Law (today's Eötvös Loránd University of Budapest). It was not only a scientific institute, but a territory of scientific "experiment", which led to an integrative administrative mentality. In the same year, Zoltán Magyary was appointed Government Commissioner of the rationalisation of Hungarian public administration. It was not simply a political task, it was an administrative political task, because Magyary was never a politician, he was an expert. His task was the revision of substantial and procedural elements of the rules of procedure of public administration and administration of justice. Count István Bethlen, the Prime Minister of Hungary, supported the science-based reform aspirations. Magyary's wider foreign experiences, and his practice in the field of fact-finding survey, and experiences in the field of codification were widely determinant in his researches. The foundational researches of the rationalisation program verified the organisational insufficiencies. But this problem touched rather the central administration (the central government) than local governments. For the revision of this

[3] It is to be noted that,after the Communist takeover (1949) numerous Magyary disciples were pushed into the backround (career-starter graduated young people, and three assistant professors), including József Szaniszló, too. Later, Szaniszló was only librarian at the Department of State Administration Law, and the ward of Magyary's Archive. (Based on his memoirs, a feature film was created on the Magyary school, called *The Disciples* (in Hungarian *A tanítványok*, directed by Géza Beremény in 1985). Only two of Magyary's disciples became professors, namely János Martonyi Sr., and Iván Meznerics. His main research field was administrative judiciary. Martonyi was the dean of József Attila University of Szeged, Faculty of Law and Politics (1947–1948, 1958–1960). Later, he became the Vice Rector of the university (1952–1955). Iván Meznerics, as a Magyary disciple, also became a Professor of Financial Law at József Attila University of Szeged, Faculty of Law and Politics. Another colleague of Magyary, Károly Mártonffy (they were of the same age) was partly sympathiser, partly opponent of Magyary, and he was the Dean of Eötvös Loránd University, Faculty of Law, in Budapest (1949–1952; it was a rare occasion in case of pre-war professors, because nearly all of the legal scholars were dismissed from the universities and the Hungarian Academy of Sciences). (The Hungarian university professors did not serve the Nazi-sympathiser Hungarian Arrow-Cross Party, which came into office after the German occupation of Hungary [1944]. Notwithstanding, nearly all of the professors were forced into retirement, dismissed from professorship, and/or membership at the Hungarian Academy of Sciences. After 1949, some professors were deported to settlements of the Hungarian Puszta, and some driven to suicide). The book-series called *Államtudományi klasszikusok* (Classics of Political Science) appearing from 2017 commemorates them (presently in 7 volumes), putting in the centre the Staatslehre-type "Political" science, including the scholars of administrative law, constitiutional law, and Verwaltungslehre, too.

mistake, he recommended a more effective administration, and the modification of the internal structure of government. These measures would have been based on increasing the level of legal education and examinations. The condition of finalisation in public administration would have been a legal degree and three years of work in practice according to the new regulation, and a practical examination, too. The questions of reduction of workforce, abandonment of redundant administrative organs, and fusion of similar ministerial departments were brought up. In the question of organisation and competence he proposed the consolidation of competence of the Royal Administrative Court. In the case of the applicable case of judgment in the Royal Administrative Court he proposed reference to the competence of Royal Administrative Court after the procedures of the first instance. All these elicited an unbelievable resistance on part of both the government and administrative professionals. After Bethlen's death, the transition period hallmarked by Prime Minister Gyula Károlyi and Prime Minister Gyula Gömbös was not beneficial for the reform program. Apart from the practical examination, the other proposals of the reform were not realised. Magyary suggested two published and two unpublished proposals on administrative reforms (Magyary, 1930; Magyary, 1931), and he codified two legal texts alone. By the effect of rejection, he has resigned from the title of Government Commissioner in March 1933.

With his scientific programme in the 1930s, Zoltán Magyary gave shape to the amalgamating, complex examination of study of public administration, administrative law, scientific management and business organisation. His main slogan was effectiveness, and state of action. He formulated his scientific program in his monographs. The Institute of Hungarian Administrative Sciences, led by Magyary, was significantly supported by the Rockefeller Foundation, so that they could buy an important professional library. He completed many foreign study tours, in the following countries: Austria, Belgium, Canada, France, Italy, the United Kingdom, the United States of America, Switzerland, the Soviet Union. He gave a lecture in the Fifth World Conference in Vienna organised by the International Institute of Administrative Sciences (in French: Institut international des Sciences administratives). He was the first non-Western European Vice President of IIAS after 1936. He was the Dean of Pázmány Péter University, Faculty of Political and Legal Studies, from 1937 to 1938. In 1942, as the most important fruit of the Magyary school, the comprehensive monograph called *Hungarian Public Administration* (in Hungarian: *Magyar közigazgatás*) was published. The team of the Institute of Hungarian Administrative Sciences included nearly 450 researchers, who were affiliated to the institute strongly or weakly: university students, invited lecturers, co-authors, technicians, not only from the field of political studies or public administration, but from fields like history, sociography, geography, folklore, science of engineering; it was an integrative conglomerate based on the whole spectrum of social sciences. In a narrow sense, the number of the members of the Magyary school was 25 researchers. By and large 10–12 university students were the disciples of Professor Magyary; they became public administration scholars. These disciples benefitted from numerous foreign research trips made possible by the professor. They were, among others, Péter Elek, József Gőbel, Rudolf Gyürky, Kálmán Karay, Sándor Karcsay, István Kiss, János Lovász, János Martonyi Sr., Iván Meznerics, József Szaniszló. The institute enriched the Hungarian administrative sciences with a fifty-volume book series.

A scientific review, called *Science of Public Administration* (in Hungarian: *Közigazgatástudomány*), published by the institute, containing 330 papers (between 1938 and 1944). Although Zoltán Magyary was a respected scholar who published 12 original (individual) monographs, he was not recognised according to his merits by the Hungarian public or scientific life. After his death in 1945 (they committed suicide with his wife because of the atrocities of the Soviet troops), the continuity of his school, too, was interrupted. Nowadays, the Hungarian science of Public Administration looks respectfully on its distinguished and important predecessor (Szaniszló, 1977, pp. 301–321; Szaniszló, 1993, pp. 27–34; Csizmadia, 1979, pp. 434–451; Koi, 2013, pp. 107–154; Koi, 2014, pp. 293–334; Koi, 2018).

Probably as an effect of the Austrian public administration procedure law created in 1925, and the academic debates connected with its creation, in the second half of the 1920s a clear viewpoint on the unified and general regulation of official procedures emerged from the pen of Ede Márffy (1885–1947), who regarded the codification of procedural regulation, in addition to the justification of maintaining special regulations, as both possible and necessary (Márffy, 1926). Zoltán Magyary himself confessed that the legality and, to no small extent, the efficiency of public administration depends on the extent of unified and general regulation of procedures. The legality of public administration is not only guaranteed through the administration of justice, but also through the manner of regulation of public administration, and so an exceptionally important role is ascribed to the codification of public administration procedural law (Magyary, 1930, pp. 149–150).[4] While the laws up until then almost exclusively regulated legal remedies, general procedural regulation had to rest on a complete and comprehensive scientific foundation. This groundwork was carried out in 1937 by József Valló (1913–1976) within the framework of the Magyary school (Valló, 1937). In addition to laying the theoretical foundation, he prepared a draft of a potential procedural law. This draft was never passed into law, and the 1939 work of Jenő Szitás (Szitás, 1939) suffered the same fate. In his draft, which took into account the rules of criminal and civil procedural law, the Austrian code, and the generalised rules of particular procedural law provisions, Valló created a body of general procedural law, whose rules were in part primary, and in part provided for derogation (i.e. subsidiary or ancillary). According to his draft, their scope would not have extended to the areas of local administration of justice, criminal proceedings of police authorities, financial administrative proceedings, disciplinary proceedings and proceedings connected with electoral law. Valló prepared a second draft in 1942 (Valló, 1942), in which he took into account the Szitás draft. The draft of Jenő Szitás (1886–1958) and the first draft (1937) of József Valló, Assistant Lecturer and Magyary's follower, were unified in Valló's second draft (1942). Magyary points out that Szitás's proposal deliberately neglected

[4] It should be noted that the polyglott professor gave a lecture at the Warsaw IIAS World Conference (1936) as a keynote speaker (general rapporteur), and published it in French; the English and Hungarian monographic version was published in Polish, too: Magyary, 1937a; Magyary, 1937b. After the Warsaw Conference, Magyary was elected the Vice President of IIAS, the only world organisation of public administration studies. For his thoughts on administrative procedure law, see the relevant chapter of his main work: Magyary, 1942, pp. 592–624.

to say whether the regulation should take place in the form of a law or a decree, and the proposal in Section 149 was, instead, a work of procedural technique, which relied to a lesser degree (as the different critiques mentioned) on the characteristics of public administration procedure.

József Valló's last, united draft from 1942 on General Administrative Regulations contains the following main parts: 1) General provisions: the scope of the law; authorities; the parties and their legal representatives; deadlines; maintaining order at the courtroom; delivery. 2) Procedure in the first instance: starting of the procedure: summons and petition; report and record; preparation of decision-making process; exposition and evidence in general; evidences. 3) Resolutions and binding force. 4) Legal remedies. 5) Procedural charges. 6) Administrative enforcement. 7) Mixed and enacting provisions.

The scope of the law means the provisions of authorities (the administrative matters) applied in the competence of administrative authorities. The following procedures do not belong to the scope of the law (disqualified matters): criminal offence cases; discipline cases; tax and duty cases; municipal jurisdiction cases.

The challenge (in Hungarian: *aggályosság*) was a special legal institution, it was a special form of disqualification (in Hungarian: *kizárás*), meaning a substantiated doubt about the fact that the judge is unbiased. This case is different from general disqualification cases (such as those represented by next of kin, relatives to cousins, siblings of spouses, spouses of siblings, adoptive parent and foster child, legal representatives, witnesses, experts, as well as the civil servant, or the judge who adopted the attacked resolution). The most important legal institutions of the procedure are the decision-making, the binding force, or legal remedies.

4. Conclusion

It could easily be declared that after such a historical overview there are no conclusions, as the real conclusion is that it happened so. There are only lessons that can be concluded from the past, from the movements of the circa hundred years summarised in this paper. Therefore, these are the "lessons learned" that we can state as conclusions: by the 1940s, Hungary elaborated drafts of general administrative law codes. The first attempt of regulating administrative procedures occurred by the turn of the century (1901) and concentrated only on the remedies. However, it has to be underlined that the rules regarding the remedy system of administrative decisions always formed a crucial part of Hungarian administrative procedural law. Secondly, it should be remarked that the simplification of administration somehow always tended to mean simplification of procedures in Hungary. The Magyary school (and the Magyary Institute) introduced a comprehensive approach to all (not only procedural) aspects of simplification, including questions of public organisation, competences, effectivity and efficiency. Finally, it should be noted that the draft codes on general procedural rules regarding administrative procedures were elaborated in detail by the end of the Second World War. These codes were already regulating the most important administrative activities.

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