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SYNOPSIS OF THE PUBLIC ADMINISTRATION OF HUNGARY.

WORK AND EXECUTIVE ORGANS OF OUR PUBLIC ADMINISTRATION.

COMPILED AND SUBMITTED TO THE PRIME MINISTER OF HUNGARY
BY

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I.

DESCRIPTION OF THE AIMS AND METHOD AND SIGNIFICANCE OF THE PRESENT TREATISE.

1. *Aims of the Treatise.* The present treatise forms part of the material preparatory to a rationalisation of the public administration of Hungary. One evident mode of simplifying the administration is to regulate the spheres of authority by making the number of forums less and the demarcation of the several spheres of authority clearer and more pronounced and thus accelerating and simplifying the procedure. A sine qua non of work of this kind is an accurate knowledge of the facts and of the regulation at present in force. Anyone who is practically acquainted with the public administration is well aware that the number of forums (if all the executive organs are to be regarded as such) is so large that it is extremely difficult to obtain a comprehensive view of them all; and so far there has not been any treatise available for the purpose of making an exhaustive survey possible. This difficulty has been aggravated by the fact that there are matters in which there are doubts respecting the determination of the various instances and the forums of appeal, the result being the development of an uncertainty or even multifariousness in practice. Thus, for instance, under § 57 of Act XXX. of 1929 the second instance in matters of public concern is the (county) assembly and in the private affairs of individuals the deputy sheriff. The question as to which are matters of public concern and private affairs of individuals respectively, has been interpreted in various ways by the several municipalities; the result being that in one and the same case proceedings have been taken by several different forums.

The difficulty is not however confined to the fixing of the quantity of forums; it is equally difficult to enumerate the kinds of cases belonging to the spheres of authority of the several executive organs. The spheres of authority of the several organs of specific administration are not described with a uniform exactness. For instance, the official statement comprised in the Ordinance of the Minister of Finance No. 600/1927. P. M. dealing with the administration of public taxes contains a precise enumeration of the spheres of authority of the tax-collectors and inland revenue offices respectively. On the other hand, however, we have no such exhaustive enumerations anywhere of the respective spheres of authority of the school inspectors, the inspectors of agriculture or the State Building Office, etc. And even where the persons employed in the respective branch of the administration do succeed empirically in getting a clear idea of their own sphere of authority, for persons engaged in other branches of service and for outsiders it still remains a difficult matter to find their bearings. Moreover, there are organs of the administration with general spheres of activity who are engaged in numerous different branches of the administration at the same time, — e. g. parish clerks, chief constables (of counties), deputy sheriffs, etc. An exhaustive enumeration of the spheres of authority of these organs would be a difficult matter for anyone.

The object of this treatise is on the one hand to offer a conspectus of the various executive organs of the public administration and on the other hand to enumerate exhaustively the matters belonging within the competency of the several organs. The result of the solution of this double problem is a work enabling us to obtain a complete and concrete conception of the very details of the organisation and activity of the public administration indis-

pensible alike to organisers and to those who would accept responsibility for the work of control.

2. *How the Work Was Done.* In keeping with the difficulty of the aims the author had in view, an extensive statistical survey was required. There was no available *point d'appui*. We had to advance along untrodden ways. In Hungary public administration as a whole has never been made the object of research. No one has ever asked how many kinds of forums there are in the public administration? and whether they are all needed? No one has ever inquired into the course taken by each several case before being settled, or asked whether that course is the correct one? Nor has anyone inquired into the kind of matters dealt with by the various administrative organs, or into the manner of procedure of those organs? or asked what organs are consulted, etc.? or inquired into the effect of these questions upon their performances?

All treatises of this kind should be preceded by an investigation showing the whole organisation and functioning of the public administration. To attain this object, we had to begin at the very root of the matter. We registered each several matter arising in the public administration on a separate slip or docket, showing the first stage of each matter, the course taken by it, and the final stage, as also the legal basis of the whole procedure.

The dockets had to be filled out in every office relating to every matter dealt with by both the central and the local organs in every branch of business.

The carrying out of the work was organised in the following manner: — On the occasion of the appointment of the Government Commissioner for the rationalisation of the public administration, the Order in Council No. 370/M. E. ex 1930 („of the organisation of the work preparatory to the simplification of the public administration“) provided also that rapporteurs and assistant rapporteurs should be designated from among the members of the clerical staffs of each Ministry to act under the direct control of the Government Commissioner, who should also be in direct touch with them. In each of the Ministries the rationalisation rapporteur or his assistant respectively undertook the elaboration by dockets of the whole business of the respective department —

inclusive also of the business of the administrative organs subordinated to that department. The Government Commissioner for rationalisation sent the Ministries detailed instructions relating to the method of work, holding conferences when the work was started and also during the course of the work with delegates of the several Ministries. In addition, collaborators permanently attached to the Government Commissioner were in constant communication during the whole course of the work with the technical advisers of the several departments, in order to ensure the greatest possible degree of uniformity already in this first edition of the complicated material, which is composed of innumerable tiny concrete details and has never before been systematised.

Altogether some 13,000 dockets have been collected as the result of the statistical survey, which took a very long time and involved no end of trouble. After examining the same and holding a further joint conference, the Government Commissioner returned this raw material to the several Ministries to be summarised in the form of tables as published in the present volume. The system of grouping was determined by the Commissioner; the table-forms were placed at the disposal of the collaborators in the various Ministries; and the uniformity of the elaboration was checked again as described above. Prior to its being handed in the tabulated material was subjected to an official supervision in the Ministries. After filling up the gaps detected during the compilation of the material thus collected in a similar manner the manuscript was sent to the printer. The Ministries took part also in the work of correcting the proofs, so that the material was submitted to their scrutiny a third time.

Then was prepared the alphabetical index containing as exhaustive an enumeration as possible of the administrative organs and showing which organs take part in the settlement of the various matters referred to in the volume under current numbers.

The work was begun on May 16th., 1931; and the volume now being printed is the result of 16 months of careful and strenuous labour.

3. *The Significance of the Treatise.* a) It throws complete light on the administrative spheres of authority in the whole field

of Hungarian public administration. It offers a veritable cadastre of the various administrative matters showing which administrative authorities are competent to act in the several matters and *vice versa* the character of the matters dealt with by the various administrative authorities and the extent of their competency in those matters.

b) It acts as a guide to the public and lawyers to enable them to find their way in the labyrinth of the public administration.

c) But it is a guide also to the administrative officials too, affording them directions in respect of forums and sources of legal redress in all those various fields of public administration with which they are frequently in touch without however being equally familiar with them all.

d) It is a sound basis for all future organic reforms of the administration of either a general or a partial character. Every reform of the administration must take the given situation as its starting point; in the present work we have the first comprehensive survey of the complete organisation, — a survey which is calculated to facilitate a much more thorough and sweeping rationalisation, whereas previous reforms have only been partial in character and effect.

e) It is an indispensable work of reference for use by all inquirers into the public administration; scholars engaged in research work in connection with the public administration have not so far had at their disposal — either in Hungarian or in any foreign literature — any work enabling them to form a correct and exhaustive conception of the activity of that administration. For that reason, in default of an adequate knowledge of the facts, every inquirer of the kind has hitherto been dependent partly upon speculation. We would refer in this connection to the definition of the terms „government“ and „public administration“, for instance, — terms definitions of which to be found in scientific literature are very multifarious and vague, not to say chaotic. Each writer — working on the basis of a deficient knowledge of the facts and often of speculation far removed from real life — has given a definition which falls short of the mark in respect of an appreciation and determination of the real situations arising in life, because it fails to afford any utilisable support. The exact

enumeration of all matters arising in the life of the State (with the sole exception of the administration of justice) to be found in the present treatise enables us to positively determine which matters are definable as governmental; and a familiarity with this enumeration will make it possible to define inductively what government is. To give another instance, — we might point out that the enumeration contained in the present treatise will enable us to select and assemble those matters and activities pertaining to the public administration which contain a juridical element, that in its turn throwing into a clearer light numerous problems of administrative law. And so on.

f) It is impossible to enumerate exhaustively all the purposes for which the present treatise may be employed. Its very character makes the treatise resemble a collection of statistical data from which every one can extract the figures he needs grouped as best suits his particular object; or it might also be compared to those collections of historical documents which supply facts and valuable data for the use of various kinds of elaborations not to be defined in advance.

g) In its kind the present treatise has no antecedents. Every pioneer work possesses difficulties and weaknesses of its own, which increase in geometrical progression as the undertaking advances in volume. The present treatise too contains defects and weaknesses. The labyrinth formed by the public administration — the present-day dimensions of the undertaking on a huge scale which that administration has called into being — makes that inevitable at the outset. There may be imperfections in the details and deficiencies in the enumeration; but the most difficult task was the determination of the system. In the present edition it has been impossible to avoid repetitions or the imperfect adjustment to the system of some matters; but the system itself is undoubtedly capable of being further developed and more effectually crystallised. And this will surely ensue the moment the treatise — which has so far developed only in the limited circle of our collaborators — is made public and finds its way into the hands of a large number of connoisseurs. It is to be hoped that this first edition of the treatise will be calculated to make clear in the eyes of connoisseurs the object we desired to attain; and that the work

of criticism will then begin which will help to perfect the system and to reduce the material: that again making it possible, by way of new editions, to offer the whole nation from time to time a complete picture of the organic unit composed by the public administration of Hungary. There is particular need for a publicity of the kind, seeing that the opposing principles underlying the extension of political democracy and the scientific development of modern public administration respectively cannot otherwise be reconciled and brought into productive harmony. The editors of the treatise therefore reckon on this first edition being followed periodically by new and improved editions; that being indispensable particularly in view of the fact that the life of the public administration is not stagnant, so that the data fixed today will tomorrow already be out-of-date in respect of an ever-increasing number of points.

II.

SYSTEM OF THE TREATISE.

I. The system employed in the treatise is as follows:

Introduction, the essential parts of which are comprised in the present summary.

Index and spheres of authority of the organs of public administration included in the treatise.

Part I.

General Administration.

§ 1. Matters to be subjected to the supreme decision of the Head of the State.

§ 2. Matters to be submitted to the Cabinet Council.

§ 3. Matters affecting the public administration as a whole.

The system of columns is as follows:

Folyó- szám (Current Number)	Az ügy megjelölése — (Description of the Matter)	I.	II.	III.	Közl. bírósági panaszjog (Right of Appeal to Administrative Tribunal)	Véleményező szerv (Organ asked to report on the Matter)	Jogforrás (Legal Basis)	Megjegyzések (Remarks)
		hatósági (intézkedő) fokozat (instance [executive] forum)						
1	2	3	4	5	6	7	8	9

Part II.

Special Administration.

- § 4. Internal administration of the Houses of Parliament.
- § 5. Office of Private Secretary to the Head of the State.
- § 6. Prime Ministry.
- § 7. Foreign Ministry.
- § 8. Ministry of the Interior (Home Affairs).
- § 9. Finance Ministry.
- § 10. Ministry of Commerce.
- § 11. Ministry of Agriculture.
- § 12. Ministry of Public Worship and Instruction (Education).
- § 13. Ministry of Justice.
- § 14. Ministry of National Defence (War).

1. The matters are in general distributed according to the course of business of the several Ministries; for the settlement of every individual matter is subject to the authority of one or other of the Ministers — with the exception of the matters administered by the Houses of Parliament and the Regent's Private Secretary. The material administered by these two forums and that of the several Ministries respectively is comprised in separate paragraphs, there being a new grouping within the latter according to the respective sphere of business, the distribution of this grouping being shown at the heads of the respective paragraphs. Within the several spheres of business the material (where no further special distribution is shown) is enumerated in the alphabetical order of the headings, that making it possible for everyone possessing a general familiarity with the public administration to find the particular matter of which he is in search.

Column 1. contains the current numbers of the various matters. Column 2. serves to designate the particular matter in question. Columns 3., 4. and 5. serve to show the various organs taking measures in the respective matter — in cases disputed at law the forums affording redress and in cases not disputed at law the hierarchical enumeration of the organs proceeding in the matter in question. Column 6. serves to show whether there is any right of appeal in the matter in question to the Administrative Tribunal. The reason why this column is needed is that the Hungarian legislature has not determined the competency of the Tribunal (established in 1896) on the basis of fixed principles, but by precise enumeration. — No one can be fully informed concerning the course of procedure in the public administration who has not at his disposal the information provided by column 7., which tells the reader which organ or organs are entitled to report of the matter in question. Column 8. shows the „sources of legal redress“ — i. e. the legal statutes under which the matter is to be adjudged; this being just as important *de lege ferenda* as it is *de lege lata*. Where the *approval* (confirmation) of a superior authority is required, the fact is to be entered (together with any other remarks that may prove necessary) in column 9.

In the enumeration we have in principle included only the real business of the administration — the matters at present occurring in actual practice. This business has been shown without comment in keeping with the actual situation, — and in accordance with the objects we had in view. There are however matters or functions in connection with which we have been compelled — owing to the undecided character of the solution in practice or to the entire lack of such solution — to point in column 9. (Remarks) to the necessity of a solution. This is the case chiefly in the chapter dealing with *general administration*.

II. The matters of *general administration* have been removed from the spheres of business of the several Ministries and grouped in a separate paragraph. This segregation — which deliberately introduces a new principle into the work of systematisation — needs to be explained more fully. After all the Ministries had registered the whole complexus of their several spheres of business in dockets, and we had passed through the press the results

— some 13,000 cards, we found there were matters figuring in the spheres of business of all departments alike. Indeed, in of the matters the „sources of legal redress“ (the pertinent legal measures) were identical; e. g. the Accountancy Act (XX. of 1897) and the Qualifications Act (I. of 1883). Had we allowed all these cases to be repeated under each department, we should have made the work of surveying the public administration as a whole much more difficult; and the main object for which the work had been initiated was to facilitate that survey.

However, another thing that struck us was that where the same function had been uniformly regulated for the whole territory of the public administration, there were cases in which *the same* function had become differently regulated in practice in the several departments of government. In order to make the survey of the administration possible it is particularly necessary that these deviating variants should be placed side by side, such juxtaposition showing either the characteristic nature and *raison d'être* of the multifariousness of the regulation or the unjustifiability of the variety.

Finally, the fact may be established that there are functions relating to the public administration as a whole which owing to their very general character cannot be included in the spheres of business of departmental Ministers, — e. g. the functions of the Administrative Tribunal, of the Court of Competency, or of the Commission for the Rationalisation of the Public Administration.

It seemed judicious to unite all these functions under one head. This was the origin of the group of matters of *general administration* (§ 3), which in logical order precedes the paragraphs (§§ 4—14) dealing with special administration; for the latter do not include the matters which we can enter in the group of general administration. There is no doubt that the matters included in the sphere of general administration deviate in character from the multifarious business dealt with by the special departments of the administration. But the selection from among the others of the matters belonging to the general administration — when made for the first time — certainly proves a difficult affair in practice; and for many reasons. In subsequent editions, when

all organs of the administration have already become familiar with the pertinent postulate, the selection of general administrative matters on grounds of principle will prove much easier — the application and carrying into effect of the postulate being achieved with much greater precision.

The system of the matters comprised in the group of general administration is as follows:

General Administration.

1. Connection between the Administration and the other Principal State Organs.
2. Uniform Organisation and Control of the Public Administration (Rationalisation).
3. The Civil Service:
 - a) Regulations of Service and other Conditions of Service;
 - b) Disciplinary Matters;
 - c) Emoluments and Pensions of Public Service Employees;
 - d) Further Training of Public Service Employees;
 - e) Order of Public Service. Rules of Procedure.
4. Drafting of Legal Rules; Attitude in respect of Application of Legal Rules.
5. Statistics.
6. Estimates:
 - a) State Budget.
 - b) Local Authorities' Budgets.
7. Account:
 - a) State Budget.
 - b) Local Authorities' Budgets.
8. Accountancy (Public Audit).
9. Management of Business.
10. Government Purchasing. Economy in use.
11. Administration of Treasury Assets.
12. Administrative Procedure.
13. Administrative Criminal Law.
14. Administrative Tribunal.
15. Court of Competency.

16. Government Reports.

17. Press Matters.

In my proposal submitted to the Prime Minister of Hungary in November, 1931, in re ensuring the economical and efficient character of the public administration of Hungary I pointed out that in the foreign literature dealing with the subject we also find writers observing this bi-furcation in the organisation and activity of the public administration, though these writers distinguish the two branches, not as *general* and *special administration*, but as *functional* and *housekeeping activity*.¹⁾ To the organic activity belong — as I have said — all affairs figuring in all departments and similar in all alike. E. g. the questions of the supplementing and technical training of the staffs, accountancy (auditing), management, service and discipline regulations, administrative procedure, legality of public administration and control of the same by the courts of law, territorial distribution of the public administration, administrative statistics, control of public contracts, procural of supplies, etc. Special activity means the effectuation of all the various tasks for the sake of which the several organs have been created, — surveillance, administration of justice, education, medical treatment, communications (transit), farming, etc., the number of these latter objects increasing continually with the development of public administration. These special tasks are the real objects of public administration, the organic activities being means to the attainment of these ends. In the present treatise the matters belonging to general administration have for the reasons explained above made it necessary to include a separate grouping. The matters figuring in the enumeration are all taken from practical life; not the products of theoretical distillation. The endeavour to obtain a comprehensive survey of the matters pertaining to public administration diverts us logically and necessarily into the same path as that into which foreign scientific writers on the subject have also been led by similar reflection, — an acknowledgment of the fact that there are matters affecting the whole complex of the public administration which differ from the others and require special treatment and a development from a comprehensive point of view.

¹⁾ See Willoughby, *Principles of Public Administration* p 105.

