As in most European countries, the administrative jurisdiction in Hungary has been institutionalized in the second half of the 19th century, as an agency of legal protection against the actions of the administrative bodies. From the three models of administrative jurisdiction established in Europe: the Anglo-Saxon within the ordinary judicial hierarchy, the Latin with a judge separated within the administration, and the separated, independent administrative judicial German-Austrian model, the Hungarian legal solution at that time followed the latter.

The institutionalization started when the Administrative Court for Finances, with national competence, was established in 1883. The cases falling within its jurisdiction have been determined by an enumerative system. Its competence included for example the supervision of the cases in connection with the determination of the extent direct taxes and the dues. In 1896 this institution became part of the Administrative Court, that was equally ranked with the Supreme Court. The Administrative Court, just like the Supreme Court, also had national competence, and was set up separately from the ordinary courts, and its jurisdiction was determined by an enumerative system as well. It was engaged primarily in the remedy of legal grievances suffered by the nationals, but also proceeded in the matters of supervision of central administrative decisions found prejudicial by the local governments. About two third of the cases concerned the supervision of financial decisions. The principal rule of the court proceedings has been the hearing in writing. Against its decision there was no appeal. Because, there was no Constitutional Court in Hungary, the Administrative Court also fulfilled the function of norm control. It supervised the unlawful normative acts of the governments and the ministers. In 1907 the so-called Court of Competence was set up, having the duty to judge the disputes of competence arising between the ordinary courts, the Administrative Court and the administrative authorities.

The Administrative Court was active until the power takeover by the Communist Party in 1949, though the number of cases it had to deal with, already regressed considerably after 1945. Till 1957, when the Act on the state administration procedure was enacted, not a single administrative decision

---

1 Professor of Constitutional Law, University of Economics, Budapest and Chief Counsellor of the Constitutional Court of Hungary.
could be contested in court. Following the principles of an enumerative system, this Act offered a judicial remedy in a few cases. The types of contestable cases gradually extended, until by authorization of the Act, simultaneously with the comprehensive amendment of the Act on state administration procedure in 1981, a separate governmental regulation has been passed about the scope of contestable decisions. At the same time the scope of supervision has been extended too (e.g. beginning in the second half of the eighties, the taxation-law decisions found to be prejudicial could already be contested in court not only in respect of the legal ground, but the amount as well). In the meantime the special procedure rules of judicial supervision also have been regulated within the frame of the Code of Civil Procedure.

II As a result of the political conciliatory negotiations carried on between the former state party and the oppositional organizations at that time, the significantly amended constitution of the Hungarian Republic entered into force on October 23rd, 1989, the anniversary of the revolution of 1956. The overall revision—which took place in the sense of the preamble in order to facilitate a peaceful political transition to a constitutional state, implementing a multiparty system, parliamentary democracy and social market economy—has replaced virtually all the provisions from the Stalinist Constitution originally created in 1949, by a new one, with the exception of the disposition relating to the capital.

This is how the provision has been included in § 50 Section 2, of the Constitution, according to which the court shall review the legality of the decisions of public administration. According to the Reasoning, attached to the amendment of the constitution, this regulation creates the constitutional foundations of administrative jurisdiction. Although, the part of the amended Constitution that regulates the organization of the state, does not mention the administrative courts. The reason for this deficiency is that the “Founding Fathers” have not yet decided on the question, which organizational solution of the administrative jurisdiction would be the most desirable in the future state organization.

III This conceptional uncertainty is even more conspicuous because in the course of the revision of the Constitution an unanimous attitude has been taken up, believing that the judicial review of the normative acts, regarding constitutionality, belongs to the jurisdiction of the institutionalized Constitutional Court. This impartial body, perhaps vested with the widest sphere of authority in Europe, has also obtained rights being exercised at other places by the administrative courts, e.g. the decision of disputes of competence of any kind, and the right to review the normative acts of the administrative bodies and the municipalities. The more, that the latter has the unique possibility that the

---

2 Decree no. 63/1981./XII.5./MT.