**Introduction to Hungarian Administrative Law in a Comparative Perspective**

**Lecturers:**

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**Brief description**

The module covers the knowledge in the area of the comparative administrative law. It includes the characteristics of the comparative law, especially, the comparative administrative law. It presents the review of the fundamental terms and institutions of comparative administrative law, the role of the integrations in the field of administrative law, especially on the role of the European Administrative Space.

It will cover knowledge on the legal regulation on administrative bodies, their tasks and legal status. It will cover knowledge on the legal regulation on administrative procedures, their tasks and the models of them, as well. It presents the review of the fundamental terms and institutions of comparative procedural administrative law, the role of the integrations in the field of administrative procedures and the judicial review of the administrative decisions.

The course will analyse the different administrative systems. The module develops the ability of comparative analysis of different law systems and distinct legal solutions, mutual relations of the authorities, concepts of municipal units, public service provision, administrative procedure and the judicial review of administrative decisions and administrative law doctrine.

**Schedule**

1. Introduction to the course and basics of comparative administrative law (Fazekas)
2. Some basic facts on the Hungarian administrative system and the place of administration in the Hungarian state organisation (Fazekas)
3. Central administration (Fazekas)
4. Territorial administration (Hoffman)
5. Local self-governments (Hoffman)
6. Civil service systems. Provision of public services (Fazekas)
7. Administrative procedural law (Rozsnyai)
8. Administrative justice (Rozsnyai)
9. Some current topics of administrative law: public administration in times of CoViD-19 (Hoffman)
10. Some current topics of administrative law: judicial review of governmental acts and political question doctrine (Fazekas)
11. Presentations of students and discussion I. (Fazekas)
12. Presentations of students and discussion II. (Fazekas)

**Recommended readings**

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| *General Literature and Legal Texts*   * Andás Patyi - Adam Rixer: Hungarian public administration and administrative law. Budapest: Dialog-Campus, 2014.   <http://ludita.uni-nke.hu/repozitorium/handle/11410/7798>   * The Code of Administrative Procedure to be found at: <http://njt.hu/translated/doc/J2016T0150P_20190710_FIN.pdf> * The Code of Administrative Court Procedures: <http://njt.hu/translated/doc/J2017T0001P_20180101_FIN.pdf> * Ausgewählte Artikel der Jahrbücher für Ostrecht * Kuhlmann, Sabine & Wollmann, Hellmut (2019): Introduction to Comparative Public Administration. Cheltenham (UK) – Northampton (MA, USA): Edward Elgar   *Hungarian Literature in English/German on the Hungarian Administrative System*   |  |  | | --- | --- | | * Fazekas, J. (2018) Centralization of Government and Legal Traditions in Hungary. In: Strada-Rozenberga, K. (ed.) Legal Traditions and Legal Identities in Central and Eastern Europe. Collection of research papers of the 76th International Scientific Conference of the University of Latvia. (Riga: University of Latvia), pp. 380-387. <https://www.lu.lv/fileadmin/user_upload/lu_portal/apgads/izdevumi/2018/Book_76_juristu_konference_2018_-gala.pdf> * István, Hoffman ; János, Fazekas: The Nature of the “Quasi” – Municipal Policing in Hungary with International and Historical Outlook. LEX LOCALIS: JOURNAL OF LOCAL SELF-GOVERNMENT 15 : 3 pp. 541-558. , 18 p. (2017) |  | | * Hoffman, István ; Fazekas, János ; Rozsnyai, Krisztina: Concentrating or Centralising Public Services? The Changing Roles of the Hungarian Inter-Municipal Associations in the last Decades. LEX LOCALIS: JOURNAL OF LOCAL SELF-GOVERNMENT 14 : 3 pp. 451-471. , 21 p. (2016) |  | | * Hoffman, István (2017): Challenges of the comparative municipal law – in the light of the comparison of the municipal tasks. In: Hinţea, Cristina M., Moldovan, Bogdan A., Radu, Bianca V., Suciu, Raluca M. (eds.): Transylvanian International * Conference in Public Administration (Cluj-Napoca, Romania, 2-4 November 2017), Cluj-Mapoca, Accent Publisher, 2017, pp. 206-219. <http://www.apubb.ro/intconf/wp-content/uploads/2016/04/Transylvanian-Conference-in-PA-2017.pdf> |  | | * Krisztina F. Rozsnyai - István Hoffman The Supervision of Self-Government Bodies' Regulation in Hungary. Lex Localis: Journal of Local Self-Government (1581-5374): 13 3 pp 485-502 (2015) |  | | * Kovács, András György ; F., Rozsnyai Krisztina: Price Regulation of Public Water Services and the Consequences of its Centralisation for Hungarian Municipalities. LEX LOCALIS: JOURNAL OF LOCAL SELF-GOVERNMENT 17 : 3 pp. 819-835. Paper: <https://doi.org/10.4335/17.3.819-835(2019)> , 17 p. (2019)   *Hungarian Literature in English/German on Administrative Procedure and of Administrative Court Procedure*   * Krisztina F. Rozsnyai - István Hoffman: New Hungarian instruments against silence of administration: friends or foes of the parties? STUDIA IURIDICA LUBLINENSIA 1/2020   <https://journals.umcs.pl/sil/article/view/10577>   * F. Rozsnyai, K. Zur Umsetzung der EU-Regelungen auf dem Gebiet des Umweltschutzes in Ungarn. In: Karl-Peter, Sommermann; Cristina, Fraenkel-Haeberle; Johannes, Socher (Hrsg.), Die Umsetzung organisations- und verfahrensrechtlicher Vorgaben des europäischen Umweltrechts in ausgewählten Mitgliedstaaten. Berlin: Springer, 2020 * F. Rozsnyai, K. (2019). Current Tendencies of Judicial Review as Reflected in the New Hungarian Code of Administrative Court Procedure. Central European Public Administration Review, 17(1), pp. 7–23. * F. Rozsnyai, K. Geschichte der Verwaltungsgerichtsbarkeit in Ungarn. In: Sommermann Karl-Peter; Bert Schaffarzik (ed.): Handbuch der Geschichte der Verwaltungsgerichtsbarkeit in Deutschland und Europa. Berlin, Heidelberg: Springer Verlag, pp. 1569-1599 (2019). ISBN: 9783642412349. |  | | * F. Rozsnyai, K. (2019) Administrative Law Hungary – Chronicle for 2018. European Review of Public Law, Vol. 30, no 4 (110), winter/hiver 2018. |  | | * Rozsnyai, K. F. (2018) Administrative Law Hungary – Chronicle for 2016 and 2017. European Review of Public Law, Vol. 29, no 4 (106), winter/hiver 2017, 1373-1394. |  | | * Krisztina Rozsnyai: Public Participation in Administrative Procedures: Possibilities and Recent Developments in Hungary. Curentul Juridic (1224-9173 2247-8361): 58 3 pp 50-66 (2014) |  | | * Krisztina Rozsnyai: Änderungen im System des Verwaltungsrechtsschutzes in Ungarn. DÖV 2013, 335. |  | | * Krisztina Rozsnyai: Europäisierung des ungarischen Verwaltungsverfahrensrechts. In: Werner Heun; Volker Lipp (ed.): Europäisierung des Rechts. Göttingen: Universitätsverlag Göttingen, pp. 199-211 (2008) (Göttingener Juristische Schriften; 5) ISBN: 9783940344458. |  | | * János Fazekas: Local Governments and Political Question Doctrine in Hungary. LexLocalis, Vol 17 No 3 (2019), 809-819.   <http://pub.lex-localis.info/index.php/LexLocalis/issue/view/94> |  | |

**Assessment**

1. Students are required to prepare an essay on a specific field connected to the lectures during the term, which should be a comparative analysis of one or several institutions of the student’s native administrative organisational or procedural system.

Students should chose by themself one or several institutions in their national administrative law which can be connected to the topics of the course. You will find in the delivered lectures, as well as in the literature proposed a lot of examples. You should present and analyse these institutions in a comparative perspective, i.e. compare them to the institutions of the Hungarian or other nations' solutions. It is enough to take one (of course you are allowed to take into account also more solutions of other countries).

The essay should have between 2000 and 4000 words, including the cover page, the table of contents, the elaboration of the topic itself (introduction - discussion - conclusions), and the bibliography.

The introduction should be about the significance of the topic in public administration, the limitations of the discussion of the topic you have set (ie why you do not cover everything in the essay that could be covered) and, if any, the personal reasons for choosing the topic. .

The substantive part, the discussion should be structured, divided into at least one level of titles.

As conclusions, a personal evaluation, a proposal for the further development of legal practice, or even de lege ferenda proposals can be made.

The list of literature may contain only items that have been referred to in a footnote during the elaboration of the topic. These can be books (of course textbooks, and commentaries, too), journal articles, or other materials available online. The essay must contain at least 5 such items. Legislation and court decisions must not be included in the list of literature, it is sufficient to mark them in footnotes and make a distinct list of legal norms/case law cited.

Students from the same country can choose to make a joint essay and presentation, where the authorship of the different parts of the essay respectively is clearly distinguishable.

The deadline for uploading the essay to the moodle system is December 5, 23:59 PM.

2. Additionally, students should prepare a short presentation of the findings of their essay which they will present to the course participants as an oral exam at the last session on 1/8 December, 10:00 AM. Presentations should be uploaded 24 hours prior to this date, on 30 November/7 December 10:00 AM.