10.24395/KRE.2021.011

Károli Gáspár University of the Reformed Church in Hungary
Doctoral School of Law and Political Sciences

dr. Krisztina Mónika Szigeti

Fundamental right or principle ? – The changes in the concept of fair civil procedure in the case law of Hungarian ordinary courts

The theses of doctoral dissertation

Supervisor: Habil. Dr. Sándor Udvary
Head of Department Professor

Head of Doctoral School:
Prof. Dr. Éva Jakab
university professor, DSc, doctor of MTA

Budapest 2021.

10.24395/KRE.2021.011

TABLE OF CONTENT

I. SUMMARY OF THE RESEARCH OBJECTIVE 3

II. RESEARCH METHODS, AND THE STRUCTURE OF THE DISSERTATION 8

III. SUMMARY OF RESEARCH 10

1. Regulations 11

2. Interpretive forums 12

3. Influencing factors 14

4.The procedural fundamental right and the case law. 15

IV. ANSWERING HYPOTHESE 20

V. THE LIST OF PUBLICATIONS 29

10.24395/KRE.2021.011

I. SUMMARY OF THE RESEARCH OBJECTIVE

When we say „fair trial", we are talking at the same time about human rights, fundamental rights, civil procedural principle and the form of liability. The fundamental human rights have become a principle in Hungarian civil procedure law in such a way that the Act III. of 1952 on the Code of Civil Procedure (hereinafter: old Pp.) was expanded to include with six (or rather only five) principles, which were procedural fairness requirements for courts in civil cases. Then the legislation introduced an objective liability rule in the procedural act, which ensured the direct accountability of the Hungarian ordinary courts under substantive law.

The protection ensured by the procedural fundamental rights in the civil procedures has constituted a complete system. The traditional function of civil justice usually had to be carried out in a fair procedure guaranteed by principles, but if the court made a mistake or erred in the conduct of the case, then those omissions or faults could be repaired by an operational mechanism (ordinary and extraordinary remedies) which ensured the traditional and complete (substantive and procedural) correction. This was supplemented in 2012 by a real constitutional complaint which provided the Constitutional Court (Hereinafter: CC) with an opportunity from a fundamental rights-constitutional point of view to examine the correctness of civil proceedings and to annul the court ruling. At the same time, if the faults and omissions were not remedied in the main case themselves, or due to the nature of the fault it could not be eliminated by means of a legal remedy, then substantive legal consequences could be enforced in a specific lawsuit initiated by the aggrieved party. The latter proceedings became special because of their subject-matter, but were integrated into the traditional responsibility of the court on the basis of its procedural law characteristics.

However, from the perspective of civil procedure law, the situation was not so idyllic. The statement that the right to a fair trial is dogmatically mature was only correct at the international and constitutional levels. The right to a fair trial and certain parts of it have been included in the Act LXVI of 1997 on the Organizational and Administrative Structure of Courts (Hereinafter: Bszi.) and in the Act LXVII of 1997 on the Legal Status and Remuneration of Judges (Hereinafter: Bjt.) as judicial principles since 1997, but their scope proved to be remote because they did not appear in the judicial arguments. which brought a change was their inclusion in the old Pp., and the result was that the most active implementing institution became the organization targeted by the fundamental right itself.

The new principles served the purpose of creating harmony with the European Convention on Human Rights according to the justification of the 8th Amendment the Act III. of 1952 on Code of Civil Procedure (VIII. Ppn.). Consequently, the principles, at least some of them, have also taken on the role of correct interpretation and application of the law in the perspective of fundamental rights. Due to their scope, there is always a specific text of rules attached to procedural principles, so the connection to the internal system of rules and specific norms of procedural law, as well as to connectivity, had to be determined in the case of new principles. All of these were circumstances affecting the determination of content that carried within itself the different results from the definitions of the European Court of Human Rights (Hereinafter: ECtHR) and the CC.

The Act CXXX. of 2016 on the Code of Civil Procedure (hereinafter: new Pp.) already contains the central definition (fair trial) in its Preamble with a specific function but it presents it as an objective, or rather a method: as a principle on which the settlement of private law disputes are based. At the same time, the legislative concept clearly emphasized one element of the fundamental procedural right, namely timeliness. In order to ensure this, it reintroduced (with modified content) the principle of concentration of litigation and assigned a reinforced role to the principle of service of process (negotiation), by imposing on the parties the obligation to support the proceedings. At the same time, the litigation efficiency, which the legislation sought to achieve at systemic level, also reinforces the time dimension, since it is primarily intended to ensure a delicate balance between the activity expended and the minimalization of time required to perform a given activity.

Thirdly, both systems of litigation preserved classical principles such as the principles of orality, principle of directness, bilateral hearings and publicity, which were also intended to ensure the fairness of the judicial process. At the level of fundamental rights, publicity is clearly part of the right to a fair trial, and the requirement of an adversarial process has been defined as part of that right by the ECtHR. It was therefore assumed that our traditional principles were linked to the fundamental right to a fair trial and could influence its structure.

Due to the complexity of the subject, the multi-level regulation and real constitutional complaint, the right to a fair trial can be examined from several methods. However we narrowed down the research to one problem area, namely how the courts of the Hungarian judicial system determined the content of the new principles which are ensuring a fair trial compared to the standard criteria of the ECtHR and the CC.

In addition to the unprocessed nature of the topic, the choice is also supported by the fact that the four principles, which can be clearly linked to the fundamental right of fair trial in civil proceedings were only displayed exclusively in their name by old Pp. without a definition of content. These concepts were only partially identical to the wording of the then Section 57 (1) of the Constitution, and then with the Section (1) of Article XXVIII. of the Fundamental Law, as they did not include the settlement of legal disputes, the fair conduct of lawsuits and their completion within a reasonable time. The connection was perceptible with the fundamental human rights, but the fundamental right and principles had to be linked. The courts therefore faced a significant challenge in interpretation.

We did not undertake to be complete in the Dissertation, as we did not examine the effects of the procedural fundamental right in administrative and criminal proceedings, we focused exclusively on civil procedural law. The Dissertation does not contain an international comparison of law in the classical sense either, because the judicial interpretation and application of legislation was not influenced by such interpretations of legal text that was developed in other states. Such effects may appear through the filter of AB, but already as a constitutional interpretation that is binding on everyone.

Our main objective was to describe and analyze the domestic judicial practice in civil procedure law, and then on the basis of this result to determine the identity or deviation of the principles of civil procedure with the fair trial and its parts. In the Dissertation, therefore, we focused on the legal principles of this field, the content developed by the courts of the judicial system, and the elements of the procedural fundamental right determined by the courts.

The right to a fair trial was taken into account and examined as an internal legal institution, but it was kept in its vertical environment, as it was introduced into the civil procedure law through an implementation process. As an interaction the old Pp.'s liability rule included a violation of procedural fundamental right. The enforcement of fundamental right was a systemic requirement during the creation of the new Pp., thus opened a wide gate to constitutional law, and through it to human rights at the international level. Consequently, this did not allow us to keep our analysis within the branch of the law.

As a point of reference, we used the decisions of the ECtHR and CC, from which the theoretical foundations can be known and where a coherent set of concepts and matured definitions were already available. And it was also able to show the expectations, and methods and mechanism of effect mediated by the fundamental right in its own reality and completeness. Taking these theoretical foundations into account as a goal set by law (i.e, the court proceeding

should be fair), we were able to determine the correctness or erroneousness of the results achieved by the practice, as well as the factors that affected the Hungarian legal application.

Compared to the beginning of the research, the new Pp. came into force in 2018, with its renewed concept, but basically with the aim of displaying the right to a fair trial at the level of legal text. Thus, we narrowed down the research here as well: just as we examined the inclusion of the central concept of fundamental rights and the presence of its parts relating to civil proceedings in the case of the old Pp., we did the same for the new Pp. In the course of the research, we identified the elements of procedural law and the forms in which the "mother right" is manifested. In respect of the two laws, we compared, that they were recognized as principles or provisions.

The research was conducted on several threads. On the one hand, we examined the terms used in the normative text. The connection was perceptible with fundamental human rights, but the fundamental rights and the principles had to be linked. We examined this in the concept-interpretation-content relation. As an investigative aspect, we took compliance with the constitutional content.

On the other thread, we looked at how ensuring the fairness of court proceedings was „polished" to the specific task of principles. The fundamental right to a fair trial sets out requirements for the administration of justice. Its actual jurisdiction is the courtroom, and it gives the parties the power to make legitimate expectations of the court and essentially acts as a control. In contrast, the role of principles is to facilitate interpretation and fill a legal gap. This can be connected with the expectation of correct application of the law, but it does not place enough emphasis on the constitutional background, even though the violation of the new principles meant a violation of fundamental rights. Here we examined whether the courts of the Hungarian judicial system defined the new principles ensuring fair proceeding with different content compared to the relevant ECtHR and CC criteria.

The third thread, complementing the other two, was aimed at what factors may have influenced the courts in determining the content of the new principles, and these steered the case law to civil procedural law or constitutional law.

The fourth area of research focused on the structure of the right to a fair trial. The legal texts showed a strong structural at both the international and constitutional levels, but at the same time the individual elements - due to the same purpose - were closely linked by a common concept. As procedural principles, however, only the purpose remained, and the courts treated

the partial rights as seemingly completely independent legal principles. Here our investigation was linked to the definition of the content of the new principles, during which we explored the case-law.

In light of all this, we set up five initial hypotheses:

1st Hypothesis:

As regards fair trial, the legal interpretation of ordinary courts necessarily differs from that of the CC, due to diverse term are used in the different sources of law.

2nd Hypothesis:

The interpretation of the ordinary courts has changed the structure of the procedural fundamental right.

3rd Hypothesis:

Most of the traditional principles that ensure the fairness of civil proceedings have been incorporated into the fundamental right to a fair trial.

4th Hypothesis:

The ordinary courts' application of the law has emptied the concept of the fairness (just) hearing within the right to a fair trial.

5th Hypothesis:

With the entry into force of Article 28 of the Fundamental Law, the practice of ordinary courts approaches the application of the terms used by the Constitutional Court.

10.24395/KRE.2021.011

II. RESEARCH METHODS, AND THE STRUCTURE OF THE DISSERTATION

The starting point of our research was the principles of the rPp. which were renewed in the 2000th year. It was obvious that these principles have both constitutional and international legal ties, so we could not limit the exploration of the literature to the authors of civil procedure law and their scientific works. We have partially presented the international literature on the right to a fair trial. The description has been made the professional articles related to the ECtHR, and from the comprehensive studies we have used the specific publications of the Court itself. In the case of constitutional law, we used both general works and professional studies.

In the case of civil procedural law, we relied on commentary literature and textbooks, as a negligible number of professional articles were written which were establishing the civil case law before the Fundamental Law – these have of course been processed by us. We used the post-2010 professional articles on procedural fundamental rights to describe certain issues. We used the Matarka search system and the MTDA database to search for professional articles.

The Hungarian case law on procedural fundamental rights, which developed between 2000 and 2018, was based on two lawsuit categories. One of them was so-called set of basic cases whithout special legal protection procedure took palce, yet the higher courts examined the observance and enforcement of procedural principles. The other group consisted of proceedings for the protection of fundamental rights, where the court's task was to examine faults or omissions in the matters that were the subject of the proceedings but which could not be repaired or remedied. The research was influenced in that respect to the extent that the legal interpretation of the courts of first instance and the reflection of the the courts of courts of appeal and the Curia could only be examined in the second type of lawsuit.

The decisions related to the research were collected using a qualitative method. Instead of sampling,we collected all decisions that contained references in principles. For this purpose we used the non-anonymised collection of decision of the Curia, the case decisions published under the designations BH, EBH, BDT and EBDT, the anonymised judgments in the Collection of Court Decisions of the National Office for the Judiciary, and, as a check, we have also carried out this work by the word collection among the decitions of higher courts.

The decisions of the CC have been selected from the database available on its website, also using a search word collection, therefore neither the web location nor the references of the Decisions of the Constitutional Court have been indicated, only the decision number. In the

10.24395/KRE.2021.011

case of decisions after 2012, the reference point of the explanatory memorandum is also indicated.

The decisions of the ECtHR were extracted from the electronic collection HUDOC named and from the professional materials of the Court, but in the latter case we also checked the identification datas of the decisions and the referenced content in the HUDOC collection.

From the decisions selected thematically, but intended to be complete at the second instance and review levels, - taking into account their time of origin – we have determined the sub-themes using an inductive method, in which we have experienced a change and used this method to draw generalizable conclusions.

In the Dissertation we described each of the examined area with a descriptive-analytical method and their analytical evaluation was included thematically in a separate chapter. The conclusions and the answers to the hypotheses were thus structurally combined.

Given that the procedural fundamental right that is the subject of the Dissertation is a structured right and the definition that brings togather the elements was born last in the development process, the historical outline outlines each stage of this development, starting with the domestic law of the most important states through the international conventions, to the implementation of the law in its modified form in the individual states again, or more precisely in the domestic legal system. The outlook also provides an account of the development steps of Hungarian law, which is developing in parallel with the international trend.

Besides the complexity of the examined law, its nature is also decisive, since – as we also mentioned in the introduction – it encompasses several special sub-fields within the jurisprudence. From the point of view of the case law, the focus is not exclusively on the civil procedural law, but also on the public-constitutional law. In order to examine the peculiarities of the interpretation of ordinary courts, the legal texts containing the right to a fair trial (or only some of its elements) have been reviewed by the regulatory level, with special emphasis on the old Pp. text changes. In the case of interpretive forums, we have summarized the definitions of international and constitutional bodies on the procedural fundamental right, including their structural structure, while in the case of ordinary courts, we have presented the characteristics of their judgmental activities (i.e., the case law) before and after the change.

As a next step we collected the factors which show a very mixed picture that we assumed were capable of influencing interpretation, and also examined the reasons on which our assumption is based. Thus, we were able to make a prediction of their success or ineffectiveness.

Our analysis focuses on differences in vocabulary and content; therefore we have attached particular importance to both our procedural laws and the reports issued by the ordinary courts. With the descriptive-analytical method, we moved from the common concept to the individual sub-rights. In the case of terms established from the text, we have formed two large groups: one was – without the determination of the content - only the category of new principles given in the title, where it was necessary to determine what content the ordinary courts have attached to the terms; the other is the range of principles of procedural law which are also new, where only the content is given by the legal text but does not identify the specific meaning of the principle. The missing definition or content was typically derived from decisions of the higher court. This result has been analyzed in terms of whether the courts have linked the principle under examination to the right to a fair trial and to which element of the principle. In this way we made the different levels comparable.

We have used an inductive method to determine the outcome of interpretations from the court decisions, and in some cases, we have shown variations and local positions.

In the last chapter of the Dissertation, we summarized the results of the research, starting with the list of the different answers given by the ordinary courts in the field of the interpretation of the fundamental right, and ending with their consequences. Finally, we support or refute the hypotheses set out in this chapter.

III. SUMMARY OF RESEARCH RESULTS

In the title of the Dissertation, we formulated the question whether the right to a fair trial has been perceived as a fundamental right or principle by domestic ordinary courts. We examined the problem from several directions. Firstly, from the process of the development of the common definition and the rules of the legislation containing it, secondly, from the interpretative forums. In a third approach, we dealt with the sub-problem of what factors and how it can influence the interpretation of domestic courts, and finally we explored the content of the new principles which we determined from specific judgments.

In terms of the development of a common definition, we have demarcated three sections: development within nation-states, the development of a common definition at the international level, which is a complex and structured human right, and the stage of channeling back into national laws.

In the first phase of development which was the development within the nation-states, certain elements of the right to a fair trial developed independently and first appeared among individual rights. We have not yet encountered the summary name of the procedural fundamental right in this period, but due to the presence of its defining elements, we can state with a cautious wording - borrowing the words of László Székely - that they served as a "source area" for the future right to a fair trial. With a bolder view, because of the elements that appeared before the twentieth century in the written constitutions or as part of historical constitutions, we can also get to the point that the right to a fair trial belongs to the so-called first-generation human rights.

1. Regulations

We reviewed three levels of regulation: international, constitutional, and the internal branch of law. At the international level of regulation, we examined the three conventions that play a decisive role in the European region and found that they differ more in terms of wording and text structure rather than content. Although the grouping of the individual elements differs in the case of the most recent EuCharta, the grouping has highlighted the organizational and operational categories and already contains the results of the ECtHR's interpretation at text level, thus for example in terms of assistance in effective claims enforcement.

At the Hungarian constitutional level, we found that the text of the Constitution was more similar to the International Covenant on Civil and Political Rights, and the Fundamental Law showed a fundamental similarity to the European Convention on Human Rights. Both constitutional laws have adopted literally and in their entirety the norm text of contemporary human rights conventions, "merging" each word usage. We also pointed out that the aim of the regulation at international and constitutional level was to bring together all the guarantees that ensure due, fair and equitable proceedings, and to actually implement these guarantees at the level of domestic law. The complex definition can also be interpreted as an umbrella category, i.e. as a common name for warranty procedural principles at human rights or constitutional level, but it can be understood at least as much as a single and uniform subjective fundamental right composed of several elements.

In the Chapter on public law, we presented the multi-stage transformation and development of the internal law. As a typical result of the process, we formulated the expansion of the procedural fundamental right. It started with a minimum program, but only with significant and repeated amendments was it possible for the principles of the Code of Civil

Procedure to express the obligations undertaken in the international convention. The legislation raised the level of protection, first by amending the specific rules, then by expanding the principles and finally made it complete with a special legal protection procedure.

2. Interpretive forums

Although the Hungarian ordinary courts did not directly apply the decisions of the ECtHR, however, it is clear from the decisions of the CC that they may have contributed to the interpretation of the constitutional laws. The domestic courts - albeit with varying intensity drew from the standpoints expressed by CC in the case of procedural fundamental right - therefore it was clear that it was necessary to present the interpretation directives of these two forums.

We have shown the results of interpretation and systematization, as well as what aspects these two forums take into account and which ones they do not. Due to the structured nature of the right to a fair trial, we have assumed that sub-rights could form different subgroups at some level.

In the case of CC, we have revealed a different classification, behind which is the text of the Fundamental Law to be interpreted. In the text of the norm the complex requirement of a fair trial appears not only as a constitutional requirement for the courts, but also for the organizations of the public administration. Consequently, the right to a fair trial is divided into two further important parts: the fair (and not merely lawful) requirement of the administrative and judicial proceedings. We have also established from the decisions that the terms "fair trial" and "fairness of the judicial process" are used variably in the decisions of the CC. On this basis, the content and division of the applicable fundamental right by the courts do not differ from the interpretation developed by the ECtHR either. The use of the trial or procedure as a synonym can be found also there. We also found that CC's understanding is broader in the sense that it does not exclude retrial proceedings from special legal protection. However the CC's position is narrower in that it does not examine the method of taking evidence, the methods of evidence – unlike the ECtHR – and considers it to be a purely civil procedure task, and also in that it does not add the phase of the administrative proceedings to the length of litigation procedural or non-litigation proceedings.

In the case of the courts of justice, we concluded that the process of interpretation has progressed from the total distancing through the usage of the Constitution as a decorative

10.24395/KRE.2021.011

element, to finally the courts have applied the abstract arguments set out by the CC into every daily life situations. We have also shown that the fundamental rights enforced in a lawsuit are characterized by the general characteristics and mechanisms of judicial protection, so they have their own set of instruments. However, there is a dual effect in legal relations: the constitutionality of the legal norm which is settling the relationship and the application of constitutionally adequate substantive and procedural law of the court in proceedings instituted for violation of legal relations.

We distinguished between fundamental rights according to their substantive and procedural nature. Within the general category of judicial protection, we have defined not only the protection of fundamental rights, but also the protection against public authority. We also set up the procedural protection and substantive protection group. Our aim was to establish in what and why the procedural fundamental right placed in the field of internal law differs from the substantive fundamental rights. This problem has been a challenge for ordinary courts which were practising the protection of fundamental rights for 18 years. In fact, the litigants have indicated their percieved or actual aggrievances in civil proceedings as a violation of their personality rights, a violation of their right to a fair trial and damages resulting from acts and omissions in the exercise of public authority, with a rough estimate in 50-60% of cases during the civil proceedings.

As a result of the investigation, we concluded that the right to a fair trial is not one of the personality rights. Although both are personal rights, but the right to a fair trial - by its structure – is not an exclusive right, but rather bears a resemblance to rights of claim, by which we mean the specific obligor person. The procedural fundamental right does not belong to the personal sphere of man, but to the judicial activity, so the abstract nature of the personality rights, which oblige everyone else to abstain, cannot be realized in an already three-pole relationship of public power. Even if in both cases the infringement is immaterial and in part the same legal consequence can be drawn.

We have made another distinction: how does the substantive legal protection for a violation of a procedural fundamental right differ from the liability for damages caused by judicial jurisdiction. The latter legal institution of private law liability had characteristics which connected it with the exercise of public authority, and it could even be considered as a variant in its system of liability. Among the similarities, the decisive factor was that the infringement could only be committed by a court, the precondition was for this the exhaustion of the remedy

(or in this way the infringement could not be remedied). However, the characteristic of tort liability is that it may also have been triggered by a breach of substantive and procedural law, which, in its investigation, the remarkably serious creates forms the basis of liability. There has to be unlawful or at least reprehensible conduct, and this not objective liability. The infringement is always material and only damages can be claimed as a legal consequence.

The characteristics of the liability rule of the fundamental right, especially its origin, the intangible infringement of the fundamental right and its legal consequences of the compensatory restitution, the principle quality of the infringable rights, and the almost objective responsibility made it so special that it could be a completely independent legal protection instrument. The analysis supported the majority position that there was a unique and new sui generis liability rule.

3. Influencing factors

The factors influencing the activity of the courts in interpreting procedural fundamental right were divided into two large groups: 1.) factors that keep the application of law within the traditional framework and 2.) factors that lead to the content of constitutional law.

Instead of the terms specific to fundamental right, the use of long-standing concepts or variants of concepts, with a procedural legal function, and the use of the branch of law vocabulary - even in combination - obscured the origin of fundamental rights. On the other hand, we have also considered the task of the judiciary to provide general legal protection to belong here, as despite the concept of fundamental rights, the judicial activity remained unchanged, their own means were largely void of constitutional elements and the dogmatics of internal branch of law was dominant in its judgmental activity. It is also flexible in that it makes no distinction in substantive legal protection. As a third factor, we considered the traditional function of the principles and their inward scope.

In the second group, we have considered the changes in the legal text that have incorporated or inspired the adoption of constitutional terms, and the interpretative practice of the CC, which had weak effect at first, but then became dynamic thanks to Article 28 of the Fundamental Law, and which has been strengthened and made accountable by the genuine constitutional complaint. In the case of the methods of interpretation used by the ordinary courts, we took into account as a separate aspect the provision of interpretation of the law of the Fundamental Law concerning law enforcers, primarily the courts, which the courts combined with the methods of reasoning characterized by the specialized law. The effect of the

teleological method and constitutionally compatible interpretation was demonstrated in the fact that Article 28 of the Fundamental Law, with its constitutional interpretation, consolidated and made unavoidable the fundamental right relationship and forced the CC's erga omnes decisions to be taken into account in law enforcement.

We also examined the extent to which the findings of jurisprudence were incorporated into the reasoning system of judges in their decisions, as the usual, direct, and fastest channel for resolution on novelties was the commentary literature. As a result of our research, we were able to identify two trends, one of which preferred a constitutional interpretation, and the other which created terms of procedural law to describe the role of the elements of procedural fundamental right in litigation. While there was agreement on the constitutional relationship, procedural principles were either not identified beyond the constitutional notion of procedural fundamental right or were given a different name linked to their role in procedural law, which created uncertainty. Even the "school of constitutional law" left such a lack of connection in which equality of litigants or litigation equality could be branched out towards the prohibition of discrimination. In the case of the Commentaries as well, the authors group covered roughly the two trends, therefore different sub-topics were highlighted, some of the individual principles were described in different details. It could be inferred from the judgment references that, with a minimal "merger," the position of the constitutional law school was better known or more accepted.

From the further chapters of the dissertation, two more influencing factors were identified during the analysis. Among them, the fundamental rights arguments of the litigants - due to the renewed expectations of the justification - have had an impact from the procedural law, while in the 2000s the lack of knowledge of modern constitutional law among judges has had an impact within the framework of the specialized law.

We incorporated the identified influencing factors into our analysis, but during the research it became clear that they do not have the same intensity, and some factors also had a cumulative effect, while others also had a "quenching" effect.

4. The procedural fundamental right and the case law

The legislation has implemented the procedural fundamental right or its elements as principles but applied a mixed solution: it determinated some new principles in its title and some only in its content but did not specify the content of those principles that it has specified only named, not even at the level of justification. Thus, it could only be assumed that the new concepts

(impartiality, settlement of disputes, fair conduct of lawsuits and completion within a reasonable time) with the two other new principles in Section 3 Paragraph (6) and Section 7 of the old Pp. should be interpreted as the constitutional right to a fair trial and its elements respectively, as they apply to civil proceedings.

This situation inspired the interpretation of the courts. But it was also a dividing line in the sense that mostly civil procedural terms keep the interpretation within the framework of the specialized law or deviate in the direction of fundamental rights. By setting out the central term and the stages of development, we have made the process testable, and from the specific decisions we have been able to deduce that each principle needs to be examined separately. From the point of view of central term and systematization, we looked at whether the constitutional structure - regardless of the citation of CC decisions - appeared in the judicial interpretation.

The starting point was also significantly influenced by the fact that the majority of judges did not have knowledge of modern constitutional law, and commentary literature has traditionally played a major role in interpreting novelties, in addition to legal justification. The legal justification of the VIII Ppn. and the new Pp. directed attention towards international law for the new principles, and the legal literature also incorporated constitutional law. In the first two stages, the higher courts as an additional argument from the new principles reached for the completion within a reasonable time and for the constitutional common concept. From the third stage, however, since the liability rule had to be applied, two interpretations were made simultaneously: 1.) what is the content of the new principles in civil procedural law, 2.) the fundamental right to a fair trial and which of its certain elements correspond to which principles. In the fourth stage, the interpretation in line with the constitutional law was stabilized by Article 28 of the Fundamental Law. The new Pp. has partially synthesized these results. It included fair trial as a principle in the preamble but emphasized the time factor in the text.

Due to the different use of the definition, we explored two significant diversity and performed their analysis using an analytical-reasoning method to investigate them. The first is that in the reasoning of the judgments, the ordinary courts have presented the right to a fair trial or fairness of trial as a synonym for it, mostly citing CC decisions, but that their version of the procedural law and principle was the fair conduct of lawsuits, can only be inferred from the first two stages. In the third and fourth stages, it became clear from the wording that the principle was considered to be the common concept, but the legal text preserved the technical solution that the fair

conduct of lawsuits, as a procedural principle, is on an equal footing with other elements that are part of it, an equal principle with them. With the entry into force of the new Pp., this dichotomy was eliminated.

The other significant diversity stemmed from the fact that the courts emphasized the task and purpose of a correct trial: despite the relatively unequal positions, the constitutional principle of equality before the law must prevail in the court proceedings. The right to a fair trial thus became equality of procedural opportunity for the parties, then it became the equality of arms, latter equal treatment of the parties for the court. However, in the meantime the terms „equal opportunity" and „equal treatment" have connected to the personality right of prohibition of discrimination and the equality of arms has been transformed a principle enshrined in Section 3 Article (6) of the old Pp. So here the goal has become the same as a principle. As a result, towards the end of the third section - probably independently of CC's practice - the phrase of equality of the parties also emerged, indicating the development of content close to a basic judicial task.

The content of the common concept was stabilized in the fourth stage. In most of the judicial decisions, the procedural fundamental right was defined by the elements considered by CC to be typical and usual, and it has become standard practice to highlight a particular right or principle relevant to the case. The examination of the specific mesne processes or lack of mesne processes were accompanied to these, together the legal references. It seems that this method will be applied to the new Pp.

The interpretative challenges related to the new Pp. for the procedural fundamental right have arisen in the area of completion within a reasonable time period: the relation between litigation efficiency and timeliness. What is striking is that the time dimension appears in a threefold context in the justification for the law: the administration of justice itself must be timely, the adjudication of disputes must be timely, and all this must be achieved with the least expenditure of time and energy, but with the greatest impact. The time factor is therefore a priority compared to the other elements of fundamental rights because the justification of Act informs the public seeking rights that one of the aims of the reform is to achieve litigation efficiency on a systemic level. The Preamble relates the latter term of efficiency to the enforcement of claims, i.e., attributes a substantive role to it, while the justification for the law focuses on the central version of procedural efficiency, i.e., the formal meaning.

For each of the sub-rights, the results of the research showed the following:

In the case of the principle of impartiality, there were factors that strengthened the framework of specialized law, as the definition has been part of the itemized legal material since the civil era and has a mature theoretical basis. The principle did not play a role in liability proceedings, but specifically in non-litigation main proceedings concerning the examination of disqualification, where the fundamental rights argument supplemented the traditional reasonings. In terms of its wider application, a permanent connection with fundamental rights can be observed very late, from 2014.

In the case of the settlement of disputes - due to the appearance of public law and fundamental meaning - we established an undulating direction, which sometimes tends towards the content of legal principle and sometimes towards the content of fundamental rights. The content of the procedural law included the obligation to make a decision, even an obligation to give reasons to a decision, regardless of the substantive conclusion of the legal dispute or the conclusion of the procedural law. As this was regulated at the norm level and has traditionally been one of the elements of the task of judicial protection, the fundamental rights approach appeared only in the supplementation of the characteristics of justification, so the decisions of the higher courts also addressed the expressed concerns in the appeals. In the old Pp, the obligation to decide has been given a specific role in litigation, more precisely as a precondition for litigation, despite the fact that the infringement of some principles or some elements of fundamental right are non-remediable by the appeal procedure. It would have been possible to establish further categories of remediable and non-remediable mesne processes, but there was not even an attempt to do so in the court decisions. However, the definition of exceptions to the narrowing rule set up by the courts began as early as 2007 in individual cases, but this was linked to the fundamental element of access to a court rather than the obligation to decide.

The case law on the new Pp is still evolving. The fundamental rights argument remains on the issue of the designation of the competent court. The decisions upheld the requirement of a fair trial and the right of access to a court. At present, the reference to Article 28 of the Fundamental Law, to the statutory justification and the legislative purpose prevail.

The right to effective remedy has been exercised by the ECtHR and the CC in a dual sense. In one view, the option of judicial review of private law infringements should be provided and this should be provided for decisions taken by organizations of public authorities. On a narrower interpretation, at least one higher degree of redress should be provided within the judicial forum

10.24395/KRE.2021.011

system. The latter case – similar to impartiality - was settled significantly earlier with detailed rules, regardless of the principles in both procedural laws.

In Sections 2-4 of our division, we find two types of judicial reasoning under the old Pp. One included the constitutional aspects in the legal argument, while the other only included the constitutional arguments of the parties in detail but kept its own justification within the procedural law. There is no general "panel" of justification that has developed, which has usually called for the CC's decisions to be made in the manner of legislation. For the time being, we have had a similar experience with the new Pp.

The redress – similar to impartiality - was regularized in both of the Code of Civil Procedure, with detailed rules, independently of the principles and in a much earlier time. The case-law did not assess right to effective remedy as an independent fundamental right, but in the first sense regarded it as part of the right to access to a court and, in the second sense, linked it directly to the right to fairness hearing.

The fundamental legal quality of the procedure within a reasonable time was brought about by the first stage, despite the fact, that from 1993 it was included as a principle in the old Pp. The aspects added from 2000 onwards clarified the factors which had a negative impact on the length of the procedure, and which necessarily led to a longer duration of the proceedings, and the justification of Act pointed out the practice of the ECtHR. The new Pp and the new liability regulation that will enter into force from 2022 consider this partial right as a neuralgic point, the enforcement of which needs to be implemented at a systemic level. The 2021 amendment to the new Pp already indicates that a tension has arisen between the sub-right to access to a court and the sub-right to the completion within a reasonable time period due to the regulation and its interpretation by the judiciary.

The principle in Section 7 of the old Pp or the Section 111 of new Pp was identified as the right to access to a court or the right to assistance in effective claims enforcement, although according to the ECtHR and the CC, it was a part of the right to a fair trial. It has retained its original procedural role according to judicial interpretation. The previous internal legal development in the field of access to justice have established a system of state aid in the form of a legal institution for free legal representation and cost reductions and have attached the obligation to provide information for the litigants to these. After 2013, a partial fundamental rights orientation was observed only in the field of special information, insofar as the information on the eligibility of legal aid was considered to be element of equality of arms by the courts. As

the summonses contained very detailed, but general information on this, further information was required by the specifics of the case, such as mandatory legal representation.

Finally, we examined the concept of a fair hearing, which is an element of the fundamental right according to constitutional law. Such a principle has not been implemented by the legislation, although the hearing phase must also be conducted correctly. The case law - by interpreting the law - did not establish such a principle, but the term itself was nevertheless present in the reasonings, since it was included in the CC decisions cited therein. The decisions placed the classical principles related to the hearing either within the scope of equality of arms or the fairness of the trial. At the level of civil procedural law, therefore, we cannot speak of such a principle. We see the reason for this in the difference of the legal texts.

Similarly, to the fairness of trial, we can only speak of the right to a lawful judge as a principle of justice. Based on its analysis, we concluded that it has appeared periodically in the practice of ordinary courts, and it appeared because of conflicts of jurisdiction or competence.

We consider it important to point out that in the comparison from a constitutional and litigation al point of view, we focused on the fairness requirements for the ordinary courts.

IV. ANSWERING HYPOTHESES

In the course of the research, it became clear that the practice of judicial interpretation was changing in terms of fundamental rights in general, and concretely the fundamental right to a fair trial, and this process promises to be long one. It was also clear after reading the large number of judicial decisions that the change in the law shaped the set of arguments and the legal justification, but also that whatever hypothesis we make because of the developmental stages, there is a high probability that we can formulate only “all of them” type answers. Thus, where breakdown proved to be necessary, we have formulated the answers relative to own the third and fourth stages.

1st Hypothesis:

As regards fair trial, the legal interpretation of ordinary courts necessarily differs from that of the CC, due to diverse term are used in the different sources of law.

10.24395/KRE.2021.011

Our presupposition relates to the main right itself or to a common concept. Of the new principles of the old Pp., the fair conduct of lawsuits was the closest to this term, but the definitions of litigation and conduct were linked to civil proceedings, but even more so to the judiciary. They therefore had no constitutional characteristics. Only the fairness category referred to a fundamental right feature.

The discrepancy was assumed because the text of the old Pp. and the fundamental rights provisions of the Constitutional Acts used the same terms only in part. And only the name of four principles and only the contents of two more principles were included in the Code of Civil Procedural. Thus, the possibility of establishing a different content was given from the outset. The third probabilistic factor was the specific function of the principles that could have guided the judicial interpretation toward branch of law.

We have shown that during the period of the Constitution, the CC also used the term just or fairness trial to denote fair trial, and from this it developed a narrower and broader definition of fair trial and fairness of trial. Through a basically semantic analysis of the text of the law, we came to the conclusion that the legislation developed the new provisions in accordance with the interpretation of the CC at that time. The courts also have argued in this framework, but this is true only for the citation of CC decisions and for the first two stages.

When it was necessary to determine what fair trial really meant from the point of view of civil procedural law, it was linked to constitutional equality before the law or court, whether in the context of equality of opportunities, equality of arms or even equality of the parties. In fact, the CC during the period of the Constitution, but even before the development of the case law of the Equal Treatment Act, formulated these types of equality in several decisions as a specific criterion of fair trial, and the courts, as already explained, and the courts used it as an objective measure of equality before the courts.

As for the connection between constitutional and procedural terms, the fair conduct of lawsuits was formally the same as the right to a fair trial, and the term fair trial was also used as a synonym, mostly because of the citation of CC decisions.

In the fourth stage, the principle was finally considered to be the common concept, but the technical solution was preserved that the fair conduct of lawsuits, as a procedural principle, is on an equal footing with other elements that are part of it. However, during the period of the Fundamental Law, the CC made corrections, although it basically maintained its positions expressed in previous decisions. Using the enumerative method, the CC precisely marked the textual and the included elements, with which the main right became a background definition,

and the fairness (just) of the trial applied to the hearing phase alone. In comparison, the wording of the old Pp. has not changed, there due to the norm text, the dual meaning of a fair trial has remained in a narrower and broader sense. Therefore, the hypothesis proved to be true only for the fourth stage.

2nd Hypothesis:

The interpretation of the ordinary courts has changed the structure of the procedural fundamental right.

The research here focused on the field of definition-interpretation-content, and we performed a three-way study to verify the hypothesis. One is whether the new principles, which were reflected both in their term and content, have been linked to the fair trial by the courts. The other is whether the classical principles have been linked to an element of a fundamental right, and the third is whether the common concept was considered to be the same as one of the new principles.

Based on the decisions of the interpretative forums, it can be stated that all the elements of fundamental rights, both the elements of fundamental rights defined by the ECtHR and by the CC have appeared in various judicial arguments, but not all of them had civil procedural principle pair. Thus, supporting the procedure through free legal representation and cost reductions (the principle of assistance in effective claims enforcement) has not been identified as a right to access to a court. Only the information about them showed a weak constitutional connection through the informational part of equality of arms. Ordinary courts have previously treated the rules of disqualification and bias as a requirement of impartiality, so in this case it was important to adopt the fundamental legal characteristics. This stabilized relatively late, by 2014.

For the other new principles, we also found that they had been “paired” with a fundamental right element. The subjective side of impartiality was linked to the rules of bias, the settlement of disputes meant the right to access to a court and the obligation to make a reasoned decision and the part of the right to effective remedy. The completion within a reasonable time period - due to compliance with the definition of constitutional law - showed an obvious connection. The fair conduct of lawsuits was identified by the courts as a common concept, but until the fourth stage they also included here the equality of the parties and then the equality of arms as the same concept. However, from the Fundamental Law, the latter principle gained autonomy with its constitutional content.

Due to the different conception of the new Pp., certain elements of fundamental rights are only found in the Bszi. and in the Bjt. and have lost their "counterpart" in procedural law. Others, such as the equality of arms, the assistance in effective claims enforcement and the principle of publicity, have been incorporated into the general rules of the law with unchanged wording.

The classical principles of the hearing phase (the principle of public hearing and public announcement of judgments, principle of adversarial procedure, principle of orality, the principle of directness, bilateral hearing) were - as we expected - linked to the fairness of the trial by the courts. Also it would have been a logical step based on the scope of the principles. It should be noted that the right to use the mother tongue arose in a single case, so the constitutional relationship could not be examined. For the time being, the evolving practice of the new Pp. shows that the arguments of procedural law have taken precedence.

In conclusion, we can state that there was essentially a procedural fundamental right element which was established by interpretation in the practice of the ECtHR and the CC that the ordinary courts did not consider to be a fundamental right to a fair trial: the principle of assistance in effective claims enforcement. This has resulted in a narrower fundamental rights structure for the courts in the period of the old Pp., and no firm conclusions can yet be drawn for the new code of civil procedure.

The different structuring was also examined in terms of the internal grouping of fundamental rights elements. If we consider the constitutional structure, the main definition, the individual elements, and the subgroups, then our statement is true because it is based on the fact that any degree of change that affects the grouping is a restructuring. In comparison, by the term of changing the structure of the fundamental right, the author meant reorganization and regrouping, which includes the creation of new groups, the elimination of old ones, or the pairing of elements of existing groups in other ways.

We have identified such a discrepancy in the interpretation of ordinary courts, that the in-court part of the right to effective remedy (redress) did not join to the right to access to a court, but was directly linked to the common concept. Thus, it can be considered as an independent principle. The effective assistance to access to a court was also not included in this group but neither was it included in any other group has it autonomy. Information about it was separated from this fundamental element, which was determinated by interpretation, but it did not become independent, but became a part of arms equality.

However, based on significance of these differences, we must highlight that they have not brought about any change affecting the meaning and content of the fundamental right, so our answer is that the hypothesis is not valid.

3rd Hypothesis:

Most of the traditional principles that ensure the fairness of civil proceedings have been incorporated into the fundamental right to a fair trial.

The incorporation of certain elements of the procedural fundamental right in the old Pp. and their function as principles has been defined by us as a kind of extension. On the other hand, the area of implementation, was a dogmatic system that had been honed for almost fifty years at the time, and in addition to all epoch-making problems, the many principles were linked to different stages of the procedure. It is on this theoretical basis that, we have conducted a sub-study of how the principles were "polished together".

The elements of procedural fundamental right defined by the ECtHR and the CC could easily be compared with the applicable principles during the civil procedure and it could be established where the similarities lie. Consequently it could be established aswell that, which of the old principles corresponded to an element of procedural fundamental right. The jurisprudence helped this identification. However even after this, there were such traditional principles remained to which had the task of guarantee correctness and fairness could be assigned. The next step of the research we have looked at whether the CC or the courts have incorporated these principles into the requirement of a fair trial.

According to the results of the decisions of the two forum, those principles that had the same function in procedural law as the fair trial or were suitable for it, the CC, and subsequently the courts have integrated them into the scope of fundamental right:
the principle of public hearing and announcement of judgments; the principle of adversarial procedure, the principle of orality procedure, the principle of directness, the principle of bilateral hearing. Therefore our hypothesis proved to be correct.

4th Hypothesis:

The ordinary courts' application of the law has emptied the concept of the fairness (just) hearing within the right to a fair trial.

This hypothesis was based on the problem that, according to fundamental human rights, the hearing must be fair and public. The hearing is an important stage in a lawsuit. This is where the most significant mesne processes take place, and this is where the judge, the litigants, the witnesses and the experts meet. In contrast, the new principles of the old Pp. did not contain a clear reference to the fairness of the trial. It was clear from the judgments that the ordinary courts used the terms of fair trial and fair procedure as synonymous. In addition, the violation of mesne processes were linked to the equality of arms or they were assessed as a violation of several principles, most of which were traditional principles. So apparently there were no new principles guaranteeing the fairness of the hearing phase. Therefore, we have examined the principles incorporated in the old Pp. in terms of whether their content relates either directly or indirectly to the hearing phase. The change or stability cannot yet be assessed, because there were few decisions taken under the new Pp. in which was relevant the application or non-application of traditional procedural principles. Reasonable conclusions cannot yet be drawn.

We have ruled out the triviality that a fair trial obviously includes the fairness of the trial. The princilpe of the settlement of disputes concerns the beginning and the end of the procedure, so it cannot be linked to the trial. Reasonable time to completion applies to the whole procedure, therefore, it would be difficult to demonstrate a link with the hearing phase. The effective assistance of access to a court is also linked to the pre-litigation conditions and the initial stage. So these were therefore not such principles that could have taken into account.

In the case of equality of arms, the investigation revealed a partial overlap with the mesne processes normally carried out at trial: making statements, proposing evidence, hearing witnesses and experts, and addressing questions to them. However, neither the ECtHR nor the CC had established such a grouping that would have categorised the equality of arms as a fair trial or would have considered the legal elements to be identical. The latter approach could have abolished the independence of one of the fundamental elements.

The research showed that the ECtHR brought the contradictory characteristic under the fairness of trial and it included here some of the additional elements of equality of arms if those elements occurred at the trial. In contrast, the CC extended the fairness of the trial to principles that were developed in the civil era and have been preserved to this day, which were responsible for ensuring the trial itself and its adequacy. The courts have used this approach to assess the fundamental right element in the few cases where the parties have pleaded such an infringement that the appellate court did not hold a hearing at the appeal stage, the party could not present his position, legal arguments, motion of evidence at the hearing or ask the witness or the expert;

he or she may not have received the opposing party's submissions and court records despite his request.

On the basis of all this, we had to conclude that it was not the emptying of the legal element that took place, but, on the contrary, the old principles ensuring the adequacy of the trial provide the fairness of the trial in the procedural sense. The hypothesis proved to be uncorrect.

5th Hypothesis:

With the entry into force of Article 28 of the Fundamental Law, the practice of ordinary courts approaches the application of the terms used by the Constitutional Court.

In the course of the research, the change in judicial reasoning was striking, and in the constitutional studies, the authors became more permissive to the courts in the field of fundamental rights reasoning. All of this happened in the period after the Fundamental Law, i.e. in phases 4 and 5. This is one of the reasons we have examined the impact of the Fundamental Law. The other reason is that in the past, the constitutional jurists often missed a real constitutional complaint, which, according to foreign experience, successfully (efficiently) promoted the enforcement of fundamental rights. The Act CLI. of 2011 on the Constitutional Court contains this legal institution.

The Fundamental Law and the decisions of the CC interpreting it been examined from different perspectives in this Dissertation. The aspects are founded on common base: what is the difference that has triggered a more active approach to fundamental rights in the courts compared to the Constitution. Two elements were decisive. One is the Article 28 with the interpretation method of the constitutional compatibility and teleologic, the other is the legal institution that provides effective control.

From the many analytical aspects, we highlight the mechanism of effect if the court's decision does not reveal the recognition of a fundamental right and its assessment of fundamental rights, i.e. the fundamental rights approach and reasoning is not apparent, then the CC has the option to annul the decision. And the court has to reformulate the legal reasoning of its decision. We could therefore conclude that in individual cases the CC can directly force the courts to take into account its own arguments. The procedure in which the CC accomplish all of this is the genuine constitutional complaint.

This procedure has opened up another possibility with regards to the procedural fundamental right. The CC was able to go further than defining the general features of a fair

trial and it could explain the specific characteristics of each of its elements, including the system of interrelationship between them. The restriction on making an assessment about the fair trial in only the context of constitutional review of a certain legislation has been removed.

The erga omnes effect decisions that were made in individual cases also had a detectable "preventive" effect. In the case of the presentation of the fundamental rights approach and the assessment of fundamental rights in the decision, the decision was likely to be considered constitutional, or it could be said that in the absence of a fundamental rights reasoning, the decision fails the test of constitutionality. This situation has led the judiciary of the ordinary courts in the 4th stage to comply with the CC's requirement in cases involving fundamental rights.

In the case of the new Pp., the priority is currently the determination of the content of the norm text. The ordinary courts, through teleological interpretation, have so far favored the preamble and the justification for the law.

On the one hand, the method of interpretation of the Fundamental Law expects an examination of the purpose of the law and the legislator, and on the other hand, it incorporates the content of the decisions of the CC into the judicial reasoning by means of constitutional compatibility. It is therefore correct to conclude that an interpretative rule of the Fundamental Law and the accountability of the fundamental rights approach are behind the change.

In the title of the dissertation, we asked the question that: the right to a fair trial is a fundamental right or principle? In our view, this is not a rhetorical question, because it has been a real problem in the case law of the ordinary courts. The relation with fundamental right was not obvious in case of the new principles of the old Pp, which were given in procedural phrases or in the text of the norm. It is the result of a long process of development that the decisions of the ordinary courts also include constitutional law aspects relating to the principles of procedural law. What is worrying, that there is hardly any reasoning on fundamental rights in the decisions of the new Pp. Not even despite the references made by the parties. This could even be seen as a retrogression.

In the author's opinion, neither the repeal of a law nor the creation of new principles can erase any of the icons of the rule of law. The constitutional rule is alive and well, the judge cannot be be less fair in his or her proceedings. And the CC will examine the constitutionality of a judicial decision even without principles. The means of accountability are still given. The possibility and means of control remain.

IV. LIST OF PUBLICATIONS

A. Publications related to the dissertation

1. A Pécsi Ítélőtábla határozata a kötelező perben állás egyes polgári eljárásjogi kérdéseiről. Van-e primátusa a bírósághoz fordulás jogának? Virág Csaba -- Szigeti Krisztina, Jogesetek Magyarázata, 2012/2. sz. 20-26. old.

2. A tisztességes (polgári) eljáráshoz való jog a bírói gyakorlat tükrében. In: PEME IV. PhD. Konferencia elektronikus könyv, Történelem-Politológia-Jogtudomány szekció I. kötet. 2012. 60-68. old. http://www.peme.hu/userfiles/IV.%20Konf.%20Politika,%20jog%20I%20rész.pdf

3. A perhatékonyság. In Nemzetközi magánjog és polgári eljárásjog a megváltozott gazdasági környezetben. Szerk.: Harsági V. - Horváth E. I. - Raffai K, Tanulmányok 15., Pázmány Press, Budapest, 2013. 201-214. old.

4. A tisztességes eljárás alapjoga és a méltányos elégtételt biztosító kártérítés. In VIII. Jogász Doktoranduszok Országos Szakmai Találkozója, Jog és Állam 18. szám, 220-230 old.

5. A Kúria ítélete a polgári eljárási alapjogok sérülése megállapításának feltételeiről: a tisztességes eljáráshoz való jog egyes elemeinek egymáshoz való viszonya: Kúria Pfv. III. 20 678/2011/3. Jogesetek Magyarázata, 2013. 4. sz. 20-28. old.

6. Kódex – Hatály – Értelmezés, Az alapelvi rendelkezések és a jogvédelmi eljárás a nemperes ügyek tekintetében. In: HARSÁGI Viktória – RAFFAI Katalin – SURI Noémi szerk: Új jogalkotási perspektívák és tendenciák Magyarországon és az Európai Unióban. Budapest, Pázmány Press 2014. 277-290. pp. (Doktorandusz Tanulmányok 2. kötet).

7. A Magánjogi Kódex és a "fair trial" jogának megújuló viszonya. Magyar jog, 2014. (61. évf.) 11. sz. 633-641. old.

8. A bírói jogértelmezés és a hetedik alaptörvény-módosítás. Eljárásjogi Szemle, 2018. 4. szám 9-17. old.

B. Other relevant publications

1. A "légutas-védelmi" közösségi rendelet magyarországi tapasztalatai, Európai jog, 2009. (9. évf.) 1. sz. 44-52. old.

2. A Magyarország elleni kötelezettségszegési eljárás a jogászi hivatásrendek új nyugdíjkorhatára tekintetében. Európai jog, 2013. (13. évf.) 1. sz. 37-44. old.

3. Székely László: A személyiségi jogok hazai elmélete: a forrásvidék. Magyar jog, 2013. (60. évf.) 1. sz. 59-64. old. (Recenzió).

4. A Tisztességes polgári eljárás lefolytatásához való jog – Egység, többség, halmazat? Mailáth György Tudományos Pályázat 2015.

5. A Bírói jogértelmezés az Alaptörvény tükrében, aa polgári ügyekben. Mailáth György Tudományos Pályázat 2016.

6. J E G Y Z E T – Határozatszerkesztés polgári ügyekben, elektronikus anyag https://jak.ppke.hu/bunteto-anyagi-eljarasi-es-vegrehajtasi-jogi-tanszek/letoltesek

7. Gláser Szilvia - Horváth E. Írisz - Suri Noémi - Szigeti Krisztina: Jogesetek a polgári perrendtartáshoz I. Budapest, 2018.

8. Gláser Szilvia - Horváth E. Írisz - Suri Noémi - Szigeti Krisztina: Jogesetek a polgári perrendtartáshoz II. Budapest, 2020.

9. Rend és rendszer – a Csornai Premontrei Rend budapesti kápolnájának megalapítása 1950-ben. Megjelenés alatt