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The transformation of legal remedy procedures upon request in Hungarian administrative law

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Annotation

Whether the legislator prefers a one- or two-level administrative procedure, or whether the legal remedies available upon request are internal (appeal) or external (judicial review/administrative lawsuit), is always determined by the general needs of society and the views of the political elite in power. Generally speaking, where there are two levels of administrative procedure, i.e. where there is a single level of appeal, recourse to the courts is generally guaranteed once these levels have been exhausted. In Hungarian administrative law, from 1957 until the 2010s, there was a one-tier system of appeal, i.e. appeals were considered ordinary legal remedies and judicial review was available after the exhaustion of the appeal, if the law so allowed, i.e. judicial review was considered an extraordinary legal remedy.

Key words

Legal remedies, appeals, judicial review, administrative proceedings

Introduction

All the Hungarian procedural codes preceding Act CL of 2016 on the General Administrative Procedure (hereinafter: Ákr.) regulated appeals as an ordinary remedy, i.e. client could appeal against administrative decisions in order to redress their alleged or real rights or interests, unless the law provided for an exception. The formal and substantive requirements for appeals hardly changed between 1957 and 2010. After 2010, however, a significant reform of administrative law and organisation began, as a result of which – still under the Act CXL of 2004 on the General Rules of Administrative Procedure and Services (hereinafter: Ket.) – the possibility of appeals was gradually narrowed down, until finally the Ákr. classified it as an extraordinary legal remedy. The content and scope of the judicial review against the appeal has continuously changed and expanded over time, a process which has led to the Ákr. now regulating administrative lawsuits as ordinary remedies.

1. Regulation of legal remedies upon request in previous procedural codes

1.1. Act IV of 1957 on the General Rules of State Administrative Procedure (hereinafter „Et.“)

The first domestic code covering all the general rules of all administrative procedures was the Et., which entered into force on 1 October 1957. The Et. contained detailed rules of general administrative procedure, including legal remedies. The procedures for appeals were regulated in several chapters, with appeals being regulated in a separate chapter.[1] The Et. distinguished between remedies

available on application and those available ex officio. It regulated appeals, complaints and court actions as remedies available upon request.[2]

The Et. was intended to introduce a two-tier system of state administrative procedure in the matters covered by it, but by regulating the complaint it essentially implemented a three-tier system of legal remedies. As a general rule, the Et. provided for the possibility of appeal against all first-instance administrative decisions on the merits. In the system of legal remedies under the Et., appeals were therefore the ordinary means of redress. The Et. allowed appeals to the courts only in a limited category of cases. An appeal could only be brought if expressly permitted by law, decree-law or Council of Ministers' order. In addition, an action could only be brought if the right of appeal in the case had already been exhausted. The court action was therefore an extraordinary legal remedy.[3]

Appeals and complaints could be lodged on grounds of both infringement of rights and infringement of interests, whereas actions could only be brought on grounds of infringement of the law. An appeal was possible against a decision of the first instance on the substance of the case which was not a final decision of a formal nature. However, there was no right of appeal against the substantive decision of the second instance. Appeals could also be lodged against decisions which were not decisions on the merits and could be appealed independently, known as ‚interlocutory decisions'. While an appeal against a decision on the merits had suspensory effect on the enforcement of the decision, an appeal against an interlocutory decision had no suspensory effect on enforcement. By way of exception, the law could also allow immediate enforcement to be ordered in the case of an appeal against the decision on the merits. [4]

The Et. also contained rules excluding appeals, under which an appeal was excluded if it was excluded by law, decree-law or decree of the Council of Ministers, and if the Council of Ministers or a member of it acted in the first instance.[5]

Only those who were aggrieved by the decision could appeal, i.e. the right of appeal was always to be considered as a client. The Et. interpreted the status of client broadly. There was a time limit for lodging an appeal, which could only be lodged within 15 days of the notification of the decision. Failure to exhaust the right of appeal also entailed the loss of the right to bring an action and the right to lodge a complaint.[6] As a general rule, the right of appeal could be waived within the time limit for lodging it. However, the possibility of waiving the right of appeal was excluded by statute in exceptional cases. The administrative body was not bound by the client's waiver in the sense that, if the client requested enforcement of the decision at the same time as the waiver, the administrative body was not obliged to order enforcement. The waiver bound the declarant and he lost all the rights which were linked to the exhaustion of the appeal. The waiver of the right of appeal had to be express, in writing or on the record.[7]

The appeal and the complaint, if submitted with the aim of remedying a violation of rights or correcting or supplementing a provision, had a conditional devolutionary effect, i.e. the body that had taken the decision could also decide on them on its own authority. In this case, the application was not considered an appeal but a referral. If the deciding body did not comply with the terms of the appeal or complaint, the right of appeal was transferred (devolution) to the superior body. However, only the superior body could decide on an appeal. An appeal or complaint for redress of a breach of interest

therefore had a purely devolutionary effect.[8] An action could only be brought on the grounds of a breach of law in a specific category of cases. Where an action was brought, the administrative body which had taken the contested decision could withdraw or amend its decision until the court had delivered judgment on the case. In addition, the supervisory body was also entitled to annul or amend the contested decision pending the judgment. In this sense, the action also had only conditional devolutionary effect. If the new decision did not correspond, or only partially corresponded, to the application, the proceedings continued.[9]

There was no specific formal requirement for the appeal, which could be submitted both orally and in writing. The appellant was not bound by the facts and evidence adduced in the proceedings at first instance and was entitled to submit new facts and evidence in the appeal. The second instance body could uphold, alter or annul the decision appealed against. The decision could be annulled only if it was materially defective. Annulment and alteration could also be partial. In cases where not all the information was available for a decision on the merits or where further clarification of the facts was necessary, the body of second instance could, in addition to annulling the decision, order the first instance authority to conduct a new procedure. The decision taken in the new procedure was also a new decision and was therefore subject to a new appeal. The second instance body had full review rights, i.e. it was not bound by the appeal or the first instance decision, and could therefore review the entire first instance procedure. On appeal, the decision could be changed not only in favour of the appellant but also against him. There were, however, two limits to the possibility of a change in favour of the client:

1. If the first instance administrative body granted the request made by the client and the decision was not contrary to law, the second instance body was bound by the request in respect of the granted request. In this case, the second instance could not establish a right which the client had not requested in the first instance, although he would have been entitled to it and the acquisition of the right would have been conditional on the submission of the client's request.

2. If the administrative body of first instance granted the application only partially, if its decision did not infringe the law and if the client did not appeal against the partial grant.[10]

The Et. also regulated judicial review. It stipulated that an action could only be brought on the grounds of an infringement of the law. The subject of the judicial review was therefore the legality of the administrative decision.[11]

The form and nature of the procedure has also changed with the bringing of the action. The procedure no longer continued under the system of administrative remedies, but a new procedure, the judicial procedure (external remedy), was introduced. At the same time, what had previously been a unilateral procedure became a bilateral litigation procedure. Judicial review of administrative decisions was carried out by the ordinary courts.[12] As a general rule, the court could not change the decision of the public administration, but could only annul it and order the public administration to initiate new proceedings. The right to alter the decision was conferred on the court only by express provision of law. The administrative body was obliged to act again on the basis of the court's decision and to take a new decision. Once the court had given its decision, res judicata applied, i.e. the same facts and the same case could not be reopened.[13]

The competent district court had jurisdiction to hear the action, applying the rules of the Civil Procedure Act. The action had to be brought against the administrative body which had taken the contested decision. The action could be brought before the body which issued the decision at first instance or the competent district court within 30 days of the notification of the decision challenged by the action.[14]

1.2. Act I of 1981 amending and consolidating Act IV of 1957 (hereinafter „Áe.")

The Et. has undergone several major amendments since its creation. In 1972, the procedural rules for judicial review of administrative decisions were transferred to Chapter XX of the Code of Civil Procedure. With the entry into force of Act I of 1977 on Notifications, Proposals and Complaints of Public Interest, the complaint as a legal remedy was abolished. However, the number of legal remedies has not decreased, as the application for review has been introduced as an extraordinary legal remedy. A comprehensive amendment of the Et. was made in 1981, mainly because of the considerable number of special procedural rules. The amendment was preceded by extensive theoretical and practical preparatory legislative work, as it was necessary to review not only the Code of general rules but also the special procedural rules which existed alongside it, often in parallel. Finally, in 1981, was created the Áe.[15]

In the Áe., there was initially a two-tier and later a one-tier system of legal remedies, which was typically tied, but in several cases the Áe. itself provided the possibility to untie the system. However, it should be noted that typically only the first instance remedy had a suspensive effect on enforcement.[16] Unlike the Et., the Áe. regulated the legal remedy procedures in a single chapter.

Appeals were the most common remedy (ordinary remedy) and were essentially a subjective right of the client, as they could be used against all decisions without being expressly provided for in the legislation governing the type of case. If the law expressly allowed it, an appeal could also be lodged against a procedural decision and against a decision of a competent authority. The client was also not obliged to invoke legislation which he considered to have been incorrectly applied. New facts and evidence could be put forward in the appeal.

The Áe. were intended to ensure that the first instance authority did not prevent the client's right of appeal. Thus, if the first instance authority did not warn the client of his right of appeal, the late appeal was to be considered as having been lodged within the time limit. The possibility of submitting a request for a certificate was also intended to ensure that the appeal was as full as possible. Furthermore, the first instance authority could not reject an appeal on the ground that it had not been lodged by the client. This was also a matter for the second instance authority to decide. In the event that an application for review was submitted within the time limit for appeal, it could not be rejected but had to be treated and dealt with as an appeal. An appeal could be lodged without giving reasons.

The Áe. also contained a provision excluding appeals, since there was no right of appeal against a first instance decision of the Council of Ministers or a member of the Council of Ministers, or if the law excluded appeals in the case because the decision could be changed or annulled by the court. This method of judicial review was not identical to the one provided for in the 72. § of the Áe., as in this case the first instance administrative decision could be submitted directly to the court.[17]

As with the Et., the appeal could be lodged within 15 days of the notification. The appeal was also conditionally devolving in the Áe, since it also allowed the authority which had issued the first instance decision to revoke the decision, amend, correct or supplement it in accordance with the appeal. The Áe. also regulated the suspensory effect of the appeal and the rules for waiving the appeal and ordering immediate enforcement. The Áe. also provided a full review, so that the authority was obliged to review both the contested decision and the proceedings preceding it, irrespective of who appealed and on what grounds. The request for an appeal was still not subject to any formalities and had to be submitted to the first instance authority in the same way as in the Et. The second instance body had the right to uphold the contested decision, to alter it and to annul it. If there was insufficient information to reach a decision on the merits or if further clarification of the facts was required, the superior body could order the first instance administrative body to initiate new proceedings and annul the decision. However, it was not obliged to do so, as it was entitled to clarify the facts and even to extend the evidence to new facts and circumstances of its own motion. In addition, the body of second instance had to examine the new facts and evidence brought forward. The appellate body's right to amend the decision of the first instance was unbounded, i.e. it could amend the decision of the first instance to the benefit or detriment of the client. Thus, the higher body could reduce or even withdraw the entitlement granted to the client, or it was also entitled to impose a new obligation. But it could also increase the entitlement or reduce the obligation beyond the appeal.[18]

Initially, the Áe. defined the scope of the cases in which ordinary courts could review decisions of public administrative authorities with a limited general clause. The MT Decree No. 63/1981. (XII. 5.) (hereinafter: MT Decree) on administrative decisions subject to judicial review applied a positive enumeration method. The general clause in the Áe. would have allowed judicial review in the vast majority of cases, but the MT Decree in fact limited it to cases for which judicial review was already allowed under the Et.. After 1981, the number of cases that could be challenged before the courts continued to increase, but it was only after the change of regime that the right to appeal to the courts became general.[19] Judicial review could still only be requested if the client had exhausted his right of appeal or if an appeal was excluded. Judicial review was considered an extraordinary legal remedy. Judicial review was exclusively a matter of law, i.e. the court could only correct administrative decisions that were in breach of the law.

Under the early system of the Áe., judicial review could take two forms. In one case, the court acted on an express application by the client for judicial review (direct judicial review). This request by a party for a remedy triggered a state administrative remedy, irrespective of the fact that the remedy was ultimately decided by a court rather than a state administrative body. In such a case, the court is entitled and obliged to review the administrative decision directly on the basis of the party's application for judicial review in cases where judicial review is expressly permitted by law. In the case of indirect judicial review, the court did not act on the basis of the party's request for judicial review, but entered into the review of the administrative decision in order to decide the case pending before it. In this case, the client did not have the right to apply for judicial review, but had the right to appeal against the decision taken in the judicial review. The direct object of the indirect review was therefore not the administrative decision, but without reviewing it, the court could not give a reasoned decision on the case pending before it. [20]

The court usually did not have full jurisdiction, because in most cases it could only make a cassatorial decision. The court had reformatory decision-making power in only a few types of cases. As was the case under the rules in force at the time of the Et., the state administration was bound by the decision of the court, and res iudicata was established by a final court decision.

After the change of regime, the system of legal remedies in the Áe. changed fundamentally, as the limited method of judicial review of decisions in the Áe. became unconstitutional. For this reason, Parliament adopted Act XXVI of 1991 on the extension of judicial review of administrative decisions, which regulated the jurisdiction of the courts by a general clause and applied the negative taxonomy exception only to a very narrow range of cases, thus making judicial review of administrative decisions essentially general.

1.3. Act CXL of 2004 on the General Rules of Administrative Procedure and Services

The Ket. regulated the legal remedy procedures in a chapter similar to the Áe. As in the previous procedural code, the Ket. regulated appeals as ordinary remedies and judicial review as extraordinary remedies. The Ket. established as a general rule that the client may appeal against the decision of the first instance. In other words, all first instance decisions were subject to appeal, unless the law precluded an appeal. As a general rule, orders, i.e. decisions not on the merits, were subject to collateral estoppel, i.e. only the contested content of the order could be challenged in the context of an appeal against the decision on the merits. In some cases, however, the Ket. also allowed for an independent appeal against the orders. These orders could not be appealed against even if an appeal against the decision on the merits was excluded by law or if they were issued in proceedings in which the competent authority had no supervisory body. [21]Such orders were directly appealable before the courts after 1 January 2006.

The right of appeal was not linked to a specific legal ground, so that an appeal could be made on any ground on which the person concerned considered the decision to be prejudicial. The content of the appeal was therefore open-ended. From a formal point of view, the Ket. only required that the appeal had to be in writing or on the record. The principle of a substantive assessment also applied to the appeal, i.e. all applications, irrespective of their designation, which considered the first instance decision to be vitiated and therefore sought review of it, had to be assessed as appeals. New facts and evidence could be submitted in the appeal.[22]

The appeal was a suspensory legal remedy under the Ket. Exceptions to this rule were cases in which the law allowed the decision to be enforced without regard to the appeal or authorised the first instance authority to order immediate enforcement of the decision without regard to the appeal.[23]

The Ket. expressly provided in which cases there was no right of appeal. At the time of the entry into force of the Act, there was no right of appeal if the law in the case allowed for judicial review of the administrative decision at first instance, against a decision approving a settlement agreement between the parties and against a decision on a fairness claim. This list has been constantly extended over time.

The time limit for appeal was set in a subsidiary manner in the Ket. As a general rule, an appeal could be lodged within 15 days of the notification of the decision, but a different time limit could be set by law or government decree. In the case of failure to act, a request for rectification could be submitted,

but if the person entitled to do so did not submit a request for rectification or if the authority rejected it, the client lost his right of appeal and could no longer challenge the decision in court.[24]

Appeal was also regulated by the Ket. as a remedy with conditional devolutionary effect. The first-instance authority had the possibility to correct, supplement or amend its decision on the basis of the appeal. The first-instance authority was able to do so not only if it found that its decision infringed the law, but also in the absence of an infringement, if the appeal was upheld in its entirety and there was no opposing party. In all other cases, the first-instance authority was obliged to submit the appeal to the second-instance body within eight days of the expiry of the time limit for appeal. The second-instance authority with the right to hear the appeal could review the decision and the whole of the proceedings that preceded it, irrespective of the content of the appeal (full review of the act). In view of this, the part of the decision not challenged on appeal was not, in principle, enforceable. The body of appeal was not only supposed to protect the right and legitimate interest of the appellant (subjective legal protection), but also the public interest (objective legal protection). The authority of appeal was also entitled to conduct an evidentiary procedure, in particular if new facts and evidence were brought to light during the appeal. It was also entitled to examine whether, in addition to the legality of the decision, the first instance body had acted expediently or fairly in the exercise of its discretion. The court of second instance had both a right of cassation and a right of reformation. It was possible, subject to the limitations laid down in the Ket, to change the decision to the benefit or detriment of the client.

An application for judicial review of a decision could only be made on the grounds of an infringement of the law if the right of appeal had been exhausted or if the case was not open to appeal. The court was bound by the application and could not depart from it. The Ket. provided for a separate paragraph for judicial review of decisions and a separate paragraph for judicial review of orders. The Ket. provided that judicial review of orders was to be conducted in non-adversarial proceedings.

The judicial review could only review the legality of the decision, and could not examine questions of expediency. If the court found that the administrative decision violated the law, it could annul the decision and, if necessary, order the authority to conduct a new procedure. The decision could be reversed only if the law expressly provided for it. If the court had ruled on the merits of the case, the administrative authority could not conduct new proceedings in the same case with the same facts, i.e. res iudicata applies. The administrative authority was bound both by the operative part of the court's decision and by its reasoning.[25]

Returning to the original regulatory concept of the Áe., the Ket. did not make the suspensory effect of the commencement of an action for enforcement automatic. However, it did allow the client to request a stay of enforcement in the statement of claim. In this case, enforcement could not be issued until the court had ruled on the matter.[26]

The Ket. has been amended many times during its period of application. The last comprehensive amendment, Act CLXXXVI of 2015 on the legislative amendments related to the reduction of administrative bureaucracy (hereinafter: the Mtv.), started to consciously reduce the right of appeal, and began to restrict the right of appeal, which had previously been free in terms of both form and content. In addition, the Mtv. generally allowed the appeal authority to conduct additional evidence, if necessary, in order to bring the case to a speedy conclusion. Thus, the possibility for the second instance authority to order the first instance authority to conduct new proceedings was limited.[27]

2. Regulation of legal remedies upon request in the Ákr.

At the same time as the last comprehensive amendment of the Ket., a codification process was launched to renew the procedure of administrative authorities, which resulted in the drafting of the Ákr. and Act I of 2017 on the Code of Administrative Procedure (hereinafter: Kp.). Like the Ákr. and the Ket., the Ákr. regulated the legal remedies in a single chapter. The Ákr. retained the dual system of the Ket. with regard to remedies upon request, but introduced a fundamental shift of emphasis between the two types of legal remedies.[28] The Ákr. introduced a new concept of the system of legal remedies, making direct recourse to the courts a general rule and allowing pre-trial appeals only in exceptional cases.[29]According to the explanatory memorandum to the Ákr., the reform of the system of appeals on request was deeply linked to the aim of completing the administrative court system. According to the explanatory memorandum, only a very small number of cases (on average less than 0.5%) were appealed by clients, but one fifth of the cases decided at second instance were appealed to the courts, so that a significant proportion of appealed cases were brought before the courts. In order to ensure that the substantive interests attached to a judicial decision are served as quickly as possible, the law has introduced a change of emphasis by making direct recourse to the courts (excluding appeals) the main rule and allowing appeals in exceptional cases.[30]

The appeal is still not subject to a legal title, and can be brought on the grounds of both infringement of rights and infringement of interests. However, the Ákr. has maintained the stricter rules of the Ket., i.e. on the one hand, an appeal must state the grounds on which it is based, and on the other hand, it is not possible to rely on new facts without limitation, only on facts of which the client was not aware at first instance or did not rely on for reasons beyond his control. The Ákr. has also introduced a further restriction as regards the content of the appeal, since an appeal may now only be lodged in respect of the contested decision on grounds directly related to the content of the decision or on grounds of harm to rights or interests directly resulting from the decision.[31] By contrast, an administrative appeal may be brought only on the grounds of an infringement of the law. The right to bring an administrative action is further limited by the right of action, since an action may not be brought for any infringement of a right, but only for an infringement directly affecting the right of the person entitled to bring the action.

The appeal also has suspensory effect under the rules of the Ákr., unless the authority orders immediate enforcement of the decision or the Ákr. excludes suspensory effect of the appeal. An appeal creates a form of advance legal protection by providing for a review and, if necessary, a remedy of a decision that is not yet final and enforceable. In contrast, an administrative appeal does not have suspensory effect on the enforcement of the decision. For this reason, judicial protection allows for the remedying of individual or community rights and interests after the decision has become enforceable and, where appropriate, after its implementation. The Kp., on the other hand, allows the court, in the context of immediate legal protection, to order that the application be granted suspensive effect extending to the contested decision.

Initially, the Ákr. defined the scope of decisions that could be appealed relatively broadly. On the one hand, an appeal was possible if the decision is brought by

1. the head of the district (borough) office, or

2. a body of local government, with the exception of the representative body, or

local law enforcement agency[32]

In addition, the law specified the orders against which the legislator allowed an independent appeal. These orders are now all considered to be appealable by an independent appeal (administrative lawsuit).[33]

The possibility of appealing against first instance decisions of the district offices was justified by the fact that at the time of the entry into force of the Ákr., the vast majority of cases were still handled by the district offices. For this reason, the exceptional nature of appeals and the primacy of administrative proceedings initially resulted in only a minimal increase in the caseload of the courts.[34] After the creation of the necessary judicial capacity for single instance administrative proceedings and the clarification of the rules of the Kp., the legislator removed decisions by the head of the district office from the exception as of 1 January 2020. In addition, the rules on appeals have been removed from several sectoral laws. Also as of 1 January 2020, the possibility of an independent appeal has been abolished in respect of the taxative orders specified in the Ákr., as a consequence of which the legislator has provided for a direct appeal in respect of these orders. In parallel with the abolition of appeals, a further organisational reform in the territorial administration has been carried out, which has resulted in the transfer of a number of former district offices to the capital and county government offices.[35]

The appeal is heard by the designated authority of second instance, so the appeal is still an internal appeal. By contrast, an administrative appeal is an external appeal, since it is heard by a body outside the administrative organisation, i.e. the court. At present, 8 courts have jurisdiction to hear administrative appeals (Budapest-Capital Regional Court, Budapest Environs Regional Court, Debrecen Regional Court, Győr Regional Court, Miskolc Regional Court, Pécs Regional Court, Szeged Regional Court, Veszprém Regional Court).

An appeal can be used as the basis for a full file review, i.e. the authority entitled to hear the appeal can review the decision challenged by the appeal and the preceding procedure in its entirety, it is not bound by the appeal, and in view of this it can also identify and remedy the infringement of law and errors not invoked in the appeal, thus the appeal fully serves the objective legal protection in addition to the subjective legal protection function. The court may consider the action within the framework of the application submitted by the parties and the statements of law made in the course of the proceedings, and therefore administrative proceedings are subject to a limited review of the acts. The principle that the court is bound by the requests and declarations made by the parties is only dissolved by the infringements to be considered ex officio. In this way, the objective legal protection function is also introduced in administrative proceedings. This principle is further softened by the obligation on the courts to consider the substance of the parties‘ claims and statements, which must be considered by the court on their merits and not on their face.[36] At the same time as the classification of appeals as extraordinary remedies, a limited early remedy of amending or withdrawing a decision on the basis of a statement of claim has been introduced into the Ákr. This allows the authority to amend or revoke its decision in the absence of an infringement of the law, if the authority agrees with the statement of claim and there is no opposing party in the case or if the parties jointly bring an action. However, in this case the authority may only modify its decision in accordance with the statement of claim. From 1 January 2024, the rules have changed so that if the authority modifies or withdraws its decision on the

basis of the statement of claim in order to remedy the legal harm and the claimant accepts the remedy of the legal harm by the authority – or does not make a statement of claim within the time limit – the statement of claim need not be forwarded to the court and is considered to be without effect. However, once the statement of defence has been lodged and until the decision closing the administrative proceedings has become final, the contested decision of the public authority may be amended or withdrawn only in accordance with the terms of the application, and no other grounds of appeal shall be available.

Summary

The domestic procedural codes – if we do not count the complaint regulated in the Et. – have always regulated and still regulate two types of legal remedies upon request, the appeal and the remedy before the court. Up until the entry into force of the Ákr., appeal was considered ordinary remedy and judicial review was considered extraordinary remedy. Until the last comprehensive amendment of the Ket., an appeal could be lodged without any formal or substantive requirements, but after that date it had to be reasoned and could not be based on an unlimited number of new facts. With the decline of the appeal and the generalisation of judicial review, the scope of the right of early appeal has also been reduced. This is somewhat counterbalanced by the fact that the authority which has taken the decision challenged in the action has extensive powers of self-correction under the Ákr.

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[15]Patyi András, Varga Zs., A közigazgatási eljárásjog alapjai és alapelvei, Budapest-Pécs, Dialóg Campus Kiadó, 2019, pp. 121-123.

[16]Dr. Számel Lajos, Az Államigazgatási eljárás, In: Dr. Beck György – Dr. Czéh György (szerk.): Magyar Államigazgatási jog Általános rész, Budapest, BM Könyvkiadó, 1984, pp. 707-709.

[17]Madarász Tibor: A magyar államigazgatási jog alapjai, Budapest, Nemzeti Tankönyvkiadó, 1995, pp. 507-508.

[18] Pp. 719-722.

[19]Madarász Tibor i.m., pp. 522.

[20] Pp. 732-733.

[21]Fazekas Mariann – Ficzere Lajos (szerk.), Magyar közigazgatási jog Általános rész, Budapest, Osiris Kiadó, 2006, pp. 478.

[22] Pp. 489.

[23] Pp. 490.

[24] Pp. 488-489.

[25] Pp. 506-507.

[26] Pp. 505.

[27] Patyi András — Varga Zs. András, A közigazgatási eljárásjog alapjai és alapelvei. i.m. pp. 151-153.

[28]Bencsik András, közigazgatási jogorvoslathoz való jog átalakulása – (szervezeti) reformok árnyékában. In: Peres, Zsuzsanna; Pál, Gábor (szerk.) Ünnepi tanulmányok a 80 éves TAMÁS ANDRÁS tiszteletére. Semper ad perfectum, Ludovika Egyetemi Kiadó, Budapest, 2021, p. 85.

[29]Bencsik András, közigazgatási jogorvoslathoz való jog átalakulása – (szervezeti) reformok árnyékában. i.m. pp. 155-159.

[30] Ákr. General Explanatory Memorandum, Part III, point III.

[31]Gyurita Erzsébet Rita i.m. p. 205.

[32] Section 116 (2) of the Ákr..

[33]Bencsik András i.m. p. 90.

[34]F. Rozsnyai Krisztina: Ügyféli jogosultságok a hatósági eljárásban – több vagy kevesebb? In. Közjogi Szemle 2020/2. szám, p. 13.

[35] Pp. 21.

[36]Gyurita Rita Erzsébet i.m. p. 206.