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PARLIAMENTARY LEGISLATIVE PROCEDURE IN HUNGARY

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ABSTRACT

In Hungary, the substantive rules on the content and formal rules of legislation are set out in detail. The legislators, the types of legislation, the most basic rules of law-making and the main rules governing the legislative process are set out in the Fundamental Law. This paper gives a general overview of law-making in Hungary. It introduces the parliamentary legislative procedure, including the modification of the legislative duties of the National Assembly in response to Hungary's accession to the European Union, and provides a short quantitative description of Hungarian legislation from 1990.

KEYWORDS Law-making, Hungary, Fundamental Law, Parliament, legislation, legislative procedure

1. Introduction

This paper gives a general overview of law-making[4] in Hungary. It introduces the parliamentary legislative procedure – including the modification of the legislative duties of the National Assembly in response to Hungary's accession to the European Union – and provides a short quantitative description of Hungarian legislation from 1990.

2. Legal regulation of law-making in Hungary

The Fundamental Law and the Act on Law-making[5] set forth the parliamentary law-making process, along with related rights and obligations, but the most

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[4] In the following, we use the expression "law-making" to refer to the issuing of all legal acts (including Acts of Parliament, government decrees, ministerial decrees, etc.); and we use the term "legislation" and "legislative procedure" only for the issuing of an Act of Parliament (in other words, a statute).

[5] The Constitutional Court, in Decision 121/2009. (XII. 17.) AB, annulled the previous Act on Legislation, Act XI of 1987. According to the decision of the Constitutional Court, the scope of laws and their hierarchy, as well as the topics which may be regulated exclusively in an

detailed provisions are enshrined in the Act on the National Assembly. According to the current regulation, the Act on Law-making belongs to the group of laws that can be amended by a simple majority, so the Fundamental Law does not mention it explicitly.

Another important source of law is the Resolution on Certain Provisions of the Rules of Procedure (hereinafter: "Resolution on Rules of Procedure"), which contains detailed rules of the legislative process (Parl. Res. 10/2014).

3. Legislative procedure in Hungary

3.1. The pre-legislative process (preparatory procedure of draft legislation before submission to Parliament)

If the Government plans to propose legislation in Parliament, it must follow a strict procedure. Firstly, the competent units of one or more ministries have to draft a legislative proposal, accompanied by a preliminary legal and economic impact assessment, carried out by the ministries responsible for legislation and the economy.[6] The Government is also obliged to prepare a preliminary impact assessment with the aim of checking whether the proposal significantly contradicts existing civil law, public law or EU law. Furthermore, the effect of the proposal on the national budget is assessed. The proposal is then circulated within all ministries and published on the website of the Government.

According to Act CXXXI of 2010 on social participation in the preparation of legislation audits (only applicable to the Government's process), all draft bills, governmental decrees and ministerial decrees drafted by ministries are to be published on the Government's webpage prior to their submission to Parliament. The minister responsible for drafting a given bill is also responsible for publishing the draft and for holding a social consultation.

Public consultations are to be carried out within the framework of general or direct consultations. While general consultations are mandatory, direct consultations are optional. General consultation is carried out so that anyone, using the e-mail address published on the webpage, may express an opinion on the draft or the concept subjected to social consultation.

Act of Parliament, shall not be regulated in a statute, but shall be contained only in the Constitution. Therefore, the previous Act was practically a constitutional-level regulation, which was not in conformity with the legal order (hierarchy of legal sources) of the Republic, which declares the primacy of the Constitution. The drafters of the Fundamental Law and the new Act on Legislation – Act CXXX of 2010 – proceeded in line with this guideline (Rixer, 2012).

[6] In Hungary, the impact assessment procedure of legislation is regulated by Act CXXX of 2010 on law-making. It can be split into preliminary and ex-post impact assessments. Preliminary impact assessments are required to analyse the expected outcomes of a proposed law and the consequences if the law were not implemented. An ex-post impact assessment reviews the results and outcomes, both expected and observed, of an existing law. Impact assessments are the responsibility of the ministry or ministries responsible for specific laws.

This means that, within the framework of a general consultation procedure, anybody may make comments on the draft and the concept, published for public consultation via the e-mail address available on the website of the legislator.[7]

The minister responsible for drafting is to consider the opinions received and prepare a general summary of them. In the case of rejected opinions, a standardized explanation of the reasons for rejection is to be published on the webpage, along with the list of those offering their opinions.

Under a new amendment to the law, if the Minister fails to comply with his or her obligation of social consultation, he or she may be fined (Social Participation Act, § 6/A).

Furthermore, the minister responsible for drafting the legislation may decide to form a 'strategic partnership' by holding working groups or by agreeing on other forms of consultation with the partners. The minister may also involve others, apart from the strategic partners, in a direct consultation held on a given draft law. A summary is also to be drawn up with respect to such consultations and published on the website of the Government. Such a summary must contain the reasoned opinions represented by strategic partners or other participants. Strategic partnerships may be formed between the Government and any organisation with a broad social reputation, for example with non-governmental organisations, recognised churches, professional and scientific organisations, national self-governments of national minorities, organisations of interest representation, public bodies and representatives of institutions of higher education (GRECO, 2015).

The responsible ministry has the task of evaluating the consultations, finalizing the draft and preparing it for adoption by the Government. The process for drafting and consultations usually takes 3–6 months (with a possibility that the preparation may take more than a year). This partly depends on the length of the proposal, but more often on the sensitivity of the area to be regulated. These rules do not apply to proposals made by MPs, except for the obligatory submission of the proposal together with a general and a detailed reasoning. MPs usually do not have professional drafters to formulate correctly worded proposals, and there is only limited parliamentary staff to help MPs. Also, there is no general web-surface for MPs to consult the public during the drafting. However, proposals made by MPs usually address questions that have high relevance in daily politics and, as such, the opinion of the public is usually well

[7] The Jat., the Social Participation Act, and the Freedom of Information Act partly replaced Act XC of 2005 on the Freedom of Electronic Information, which introduced, for the first time, the online publication of drafts (and even anonymized court decisions) and contained regulations with the same content as the Social Participation Act now contains, but the former regulation was less detailed; the rules relating to the direct consultation procedure are considered a novelty (Drinóczi & Kocsis, 2013).

known. Also, proposals made by MPs are usually short amendments or simple bills that address a single issue. Table 1 below shows proposals submitted by MPs and passed by Parliament between 2006 and 2022.

Table 1: Proposals submitted by MPs, passed by the Parliament 2006–2022

	2006–2010	2010–2014	2014–2018	2018–2022
Total number of adopted laws	589	859	730	597
Number of adopted laws, submitted by MPs	91	269	148	56
Number of adopted laws, submitted by government parties MPs	47	266	142	52

3.2. Legislation in Parliament

3.2.1. Who can propose legislation in Parliament?

The Fundamental Law reserves the right to propose legislation to the President of the Republic, the Government, parliamentary committees,[8] and Members of Parliament. Proposing legislation means that authorised parties submit to Parliament written draft proposals along with an explanation.

Whereas previously motions were submitted on paper, nowadays, because of digitalisation, bills and proposals for resolution are submitted almost without exception digitally, through a dedicated IT system (ParLex), which can be used from any location and at any time. ParLex not only makes it easier to submit but also allows the proposal itself to be drafted and edited (in a well-structured form). Its functions have been designed to automatically apply the rules of legislative drafting, thus helping to improve the quality of legislation.

In addition to the right to propose legislation, the procedural rules of the National Assembly lay down several rights that strengthen the dominant role of the Government in legislation. The semi-annual legislative programme of the Government fundamentally defines legislative themes and scheduling, and its governing majority allows the Government to place proposed legislation on the agenda, expedite the debate, hold detailed debates, and adopt proposed legislation.

[8] Committees within the National Assembly are primarily regulated by Chapter III of Act XXXVI of 2012, which provides that the Assembly shall establish committees which are obligatory, such as the Committee on Legislation, the Committee on Immunity, Incompatibility, Discipline and Mandate Control, and the Standing Committees on Constitutional Affairs, Budget, Foreign Affairs, EU Affairs, National Defence, National Security and Hungarian Communities Abroad. The National Assembly may also establish ad hoc committees and committees of inquiry whenever deemed necessary (National Assembly Act, § 14).

The supreme role of the Government in law-making is seen as a typical parliamentary model in Europe, and rightly so, since governments can implement the objectives formulated in their programmes mainly by legislative means, and legal regulation creates the framework for programme implementation.

The major difference between MP proposals and proposals of other proponents is that bills of MPs are subject to a decision by a designated committee on whether the Parliament should discuss them or not (a decision on admissibility). Since there are no legal criteria for the committee to check, this is purely a political decision, with a high level of committee discretion. While government, presidential and committee proposals are automatically on the 'list of legislative items' – a list of legislative proposals forming the basis of weekly agenda planning – MP proposals can only be considered if a committee decides accordingly. Since standing committees have a proportional composition of the plenary, opposition proposals are unlikely to be discussed in plenary sessions. To a limited extent, proponents of such rejected bills can ask that the plenary also decides on admissibility. In practice, the plenary mostly follows the previous committee decision.

Committees exercise decisive influence on the fate of legislative proposals from individual MPs. While the Parliament has an obligation to deal with motions introduced by the Government, the President, or a parliamentary committee, the fate of a motion tabled by an MP (or several MPs) depends on the decision made by the designated committee on whether the legislative initiative may proceed further. If the chosen committee does not support the motion being put on the legislative agenda, a parliamentary faction of the MP(s) proponent can still call for a vote on the acceptance of the motion for discussion in the plenary session. In the following legislative process, committee and plenary stages follow one another in a set order.

3.2.2. The stages of the parliamentary legislative procedure

Plenary debate and committee-level debate alternate in a specific sequence during the legislative process.

Table 2 below summarizes the stages of the parliamentary legislative procedure.

Table 2: The stages of the parliamentary legislative procedure

Stages of discussion	Venue
General debate	Plenary sitting
Detailed debate	Meetings of standing committees
Proceedings of the Committee on Legislation	Meeting of the Committee on Legislation (which votes on amendments proposed by Members and drafts a summary report and summary of proposed amendments)
Debate on committee reports, the supplementary summary report and the summary of proposed amendments	Plenary sitting
Vote on the summary of proposed amendments and a closing vote	Plenary sitting

The process of debating proposed legislation comprises an alternating succession of debates in committees and plenary sittings. The Resolution on the Rules of Procedure lays out the exact order of proceedings.

As a first step, a general debate is to be held on the proposal in the plenary, where the rationale, the objectives and the principles of the proposal are examined. In the general debate, the initiator has the right to speak first and present the argument for the legislative proposal. If it is not a proposal by the Government, a cabinet representative can outline the governmental position on the proposed act. Then, the keynote speakers of parliamentary factions can take the floor and finally the independent MPs are given the opportunity to join in the debate. A prior compromise on timeframes for speaking in the general debate is possible, where the parliamentary factions have times allocated proportionally.[9]

By the time the general debate starts, the Speaker designates one standing committee for the detailed debate – as detailed debates are to take place in the standing committees. However, other committees may also request – upon a majority decision of the committee members – that a similar debate be organised, in order to deliberate on the details of the entire legislative proposal, or on parts of it. There is one designated committee, and other committees

[9] In the earlier system, the general debate was followed by a committee stage, and the detailed debate took place in the plenary, where only the textual details or the proposed amendments could be debated. In practice, detailed debates were mostly of a technical nature or consisted of the repetition of the arguments from the general debate, with a rather low attendance rate among the MPs. These were the main reasons why detailed debates were removed from the plenary and are now held in committees.

decide on the debate themselves.[10] The deadline for MPs and committees for filing amendments to the legislative proposal is the third day after the plenary has adopted its agenda with respect to the item at hand. Amendments must be filed in writing and must be reasoned (no oral amendments may be made). The proponent of the bill is not allowed to submit amendments to its own proposal, since the logic of the system is that after the submission, the Parliament is the owner of the bill. The proponent can only express their view on the proposed amendments, whether they agree with them or not. A new feature of the procedure is that the MPs are to declare in the amendment proposal which committee they would like to discuss the amendment. Earlier committees themselves selected which amendment they wished to discuss, and the initially designated committee was the only one to discuss all amendments. If the MP does not appoint any committee, the designated committee will discuss and decide on the amendment proposal. Amendment proposals contain the original wording of the legislative proposal with track changes, reflecting the desired change – the reasoning for such changes is also a necessary element here. Amendments are only eligible if they are related to laws whose modification was already foreseen in the initial legislative proposal. If an MP seeks to include amendments to new laws, which the proponent did not intend to treat in the original legislative proposal, and the committees also support this motion, the procedure has to go back one step: the general debate is reopened, but only as far as the new law is concerned. After the deadline for amendments expires, amendment proposals are discussed by committees during a detailed debate. In the previous system (before 2014), the detailed debate was held in the plenary, now it is done by committees. After the discussion, the committee votes on the amendments within the competence of the respective committee one by one, in the order of the articles of the legislative proposal. To support this decision-making, parliamentary services prepare an internal working document comprising all amendments submitted to a bill. The committee can decide either to reject or to support an amendment proposal, a third possibility being to support it with changes. When all the amendments are examined within the committees, the representative of the proponent is expected to present their position on them. However, this opinion is not binding to the plenary. The responsible committee then prepares a committee amendment by collating all supported amendments into a committee amendment proposal. The committee in charge of the assessment may also submit its own supplementary amendments. These coherent committee amendment packages will then be submitted to the Committee for Legislation. Committees must discuss and also declare, in a final report, whether the legislative proposal is in line with the

[10] According to the previous rules, multiple committees, including a leading committee, could be designated.

constitution, the legal system, international obligations and EU law. This system clearly shows the strengthening of the committees. They are responsible for the intra-parliamentary check against constitutionality, legality, conformity with international law and EU law, and they will report to the plenary about their findings. At the conclusion of the detailed debate, committees prepare a report to the Committee for Legislation and submit those amendment proposals which they support as their own committee amendment proposal.

The Committee for Legislation has the ultimate responsibility for preparing the legislative proposal for the plenary decision, harmonising the amendments from the various committees and preventing the simultaneous adoption of contradictory amendments. With the help of the legal service of the Parliament, it delivers its position on the committee amendments to ensure coherence and precision. The Committee for Legislation, based on the amendment proposals of the committees, elaborates a final amendment package (summarizing the amendment proposal), which is subject to a single vote in the plenary session. Afterwards, plenary debates are again to be held, this time based on the committee report and findings of the committees involved; to be followed by the plenary vote on the proposed amendments and a closing vote by the plenary.

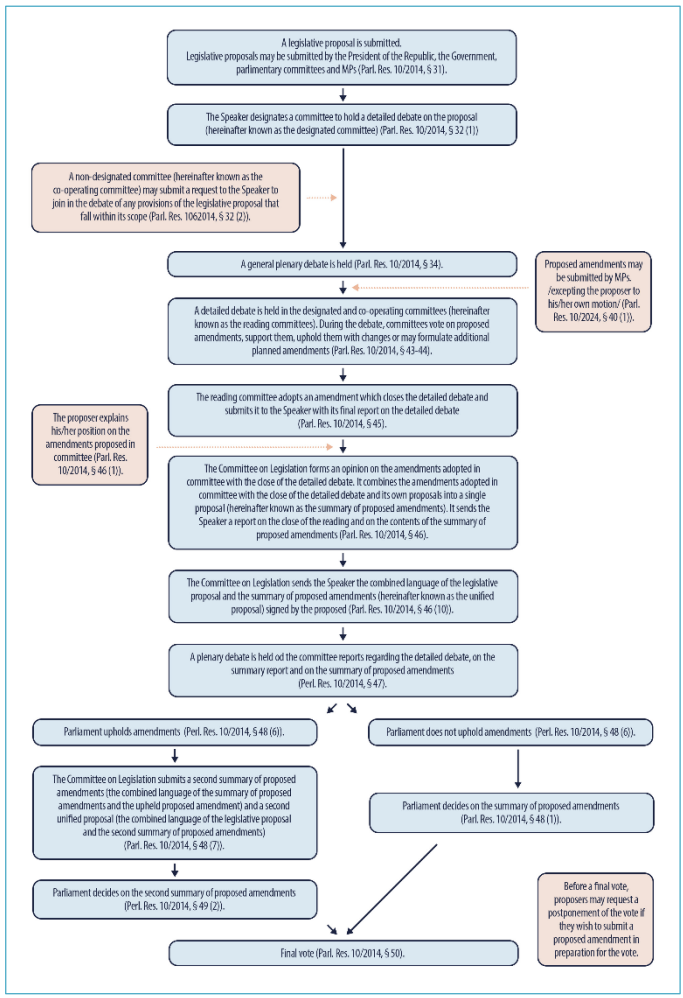
The chairman or another member of the designated or voluntary committees presents the summary assessment and the recommendation of the responsible committees. In case of a dissenting position within a committee, the minority opinion can also be delivered. Following this, the keynote speakers of parliamentary factions take the floor, and independent MPs are also given the chance to join in. Before the closure of the debate, the proponent is given the floor again to reply to the questions raised. Following this debate, votes are cast only on the summarized amendment proposal in the plenary, and not on each single amendment proposal. However, in certain cases MPs may ask that the plenary vote on their amendment proposals which were previously rejected by one of the committees. After the vote on the summarized amendment package, the proponent has the duty to prepare the amended version of the proposal for submission to the Parliament (a single amended proposal). This is why the vote on amendments cannot be immediately continued with the final vote on the entire proposal, as there must be one week between the two votes. The single proposal will then be the subject of final voting. The Committee for Legislation is responsible for the proper incorporation of the amendment package into the text of the legislative proposal.[11] If amendments are still needed in the last stage,

[11] In the earlier system – in cases of internal contradictions or conflict with other pieces of legislation caused by the Parliament's approval of conflicting amendments – amendment proposals coming from the proponent were allowed (so-called 'closing amendments'), even though, in theory, the provision for substantial changes in this phase was not possible (only textual errors could be corrected). However, this aforementioned provision was often overruled by the need for rapid change in politics.

the final vote has to be postponed, and a new plenary debate is organised on the closing amendments.[12] The entire legislative proposal is adopted when a final vote is held on the proposal in its amended form, as a whole. In the final vote, the Parliament adopts a legislative proposal with a majority vote required, either by the Fundamental Law or by another law: a simple majority of MPs present, or the 'qualified majority' (two-thirds) of MPs present.

The following Figure 1 shows an overview of the legislative process in the Hungarian Parliament.

Figure 1: The legislative process (Hungarian National Assembly, 2014).



[12] In the previous system, amendment proposals and plenary decisions on them were possible even without postponing the final vote.

If the proposal is approved, it is submitted for signature to the Speaker and then to the President of the Republic. However, the President has the right to send the bill back to Parliament for reconsideration (political veto) or to send it to the Constitutional Court (constitutional veto). In the former situation, Parliament must hold a new debate on the proposal and take a new final vote, however, once the proposal is adopted again, the President must sign it anyway. In the case of a constitutional veto, the bill will only be signed if the Constitutional Court decides that it is in line with the Fundamental Law. If not, it is sent back to Parliament to correct the errors. If the President has no such objections, he signs the Act and orders the promulgation in the Official Gazette of Hungary.

Acts of Parliament – as well as decrees, legal instruments of state administration and uniformity decisions of the Curia – can be examined by the Constitutional Court before or after their promulgation. The Constitutional Court can examine promulgated acts upon the initiation of the Government, one-fourth of the Members of the National Assembly, the President of the Curia, the Prosecutor General, or the Commissioner for Fundamental Rights. Judges in charge of an individual court case can also ask for the examination of a law that is applicable to a particular case. Moreover, any natural person or organisation may ask for the examination of a law by which they are affected. Should a promulgated law conflict with the Fundamental Law, the Constitutional Court can annul it.

Apart from this ordinary legislative procedure, urgent or accelerated procedures for legislation can also be initiated. In this case, the shortest possible time to adopt legislation is seven days, due to the requirement that at least six days must pass between the submission of the legislative proposal and the general debate, in order for the MPs to have sufficient time for reading and analysing the proposal.

The proponent can initiate an 'urgent' or an 'extraordinary' procedure on its own legislative proposal. In the case of an 'urgent procedure' – which can be used only six times in a calendar semester and ordered by a two-thirds majority of the MPs present – the proponent can ask for a derogation from some deadlines specified in the Resolution on Rules of Procedure. In the case of an 'extraordinary procedure' – which can be used only four times in a calendar semester and decided by a simple majority of all MPs – Parliament can set out (schedule) the date of certain procedural steps in advance. Extraordinary proceedings are not allowed for motions related to the Fundamental Law (amendments, new constitution), or for budgetary processes. In an 'urgent procedure', the time interval between the decision on the urgency and the final vote may not be less than six days, whereas in an 'extraordinary procedure' there is no such minimum timeframe.

Another possibility is to decide in advance that in case no amendment proposals are submitted, Parliament shall approve the legislative proposal in its original submission form. In this case, the final vote can take place immediately after the closure of the general debate.

Parliament can decide to disregard any provisions of the Resolution on Rules of Procedure with a majority of four-fifths of MPs present.

Table 3: Number of adopted laws discussed by exceptional procedure (Hungarian National Assembly, n.d.a)

Cycle	Number
1990–1994	58
1994–1998	48
1998–2002	10
2002–2006	3
2006–2010	0
2010–2014	27
2014–2018	41
2018–2022	30

Table 3 above shows that the number of laws dealt with in the exceptional procedure was highest in the 1990–94 cycle, followed by the 1994–98 cycle, and then, after a significant decrease, the number of exceptional procedures increased from the 2010–14 cycle onwards, but did not reach the numbers seen in the first and second cycles. The fluctuation in the use of the exceptional procedure is because in most cases a two-thirds or four-fifths special majority was required. Although the governing parties did not have the two-thirds majority (Parl. Res. 25/1991, § 6) in the first term and the four-fifths majority in the 1994–98 term (Parl. Res. 46/1994, § 125, par. 1), as required by the new House rules since 1994, the opposition parties did not prevent the use of special procedures. Thereafter, until 2010, the opposition rarely contributed or did not contribute to the use of the exceptional procedure. Since 2012, the governing parties with a two-thirds majority have been able to secure the two-thirds majority needed for exceptional procedures themselves, but they introduced a self-limiting rule by amending the Rules of Procedure to limit the number of exceptional procedures to six (Parl. Res. 98/2011, § 2), and then to four per six-month period from 2014 (Parl. Res. 10/2014, § 61, par. 5). Also, since 2014, a majority of more than half of the votes of MPs has been sufficient to order an exceptional procedure (Parl. Res. 10/2014, § 62, par. 1).

3.3. Legislation as a member of the European Union

The legislative duties of the National Assembly were partially altered in response to Hungary's accession to the European Union, similarly to those of the parliaments of other Member States. Firstly, the nature and proportions of law-making changed, and, secondly, the scope of responsibilities of Parliament expanded to cover new elements.

First and foremost, changes were introduced to exercising (legislative) powers based on national sovereignty. The Fundamental Law, however, provides that the National Assembly, as the guardian of popular sovereignty, retains its function as the supreme legislative body; only some of its legislative powers have been transferred to the institutions of the European Union (the European Parliament, the European Commission and the European Council). This transfer of authority is not, however, tantamount to the waiving of those powers; it means that transferred competences are exercised jointly with other Member States via the institutions of the European Union (Fundamental Law, art. E), par. 3).

A significant portion of the laws applicable in Hungary has been adopted by EU institutions. The *acquis communautaire* has formed part of the Hungarian legal system since 1 May 2004, and Community law has priority over Hungarian law. The primary legal corpus of Community law is made up of treaties, while laws created through the legislative efforts of EU institutions are seen as secondary sources of law. There is no call for national regulation in areas regulated exhaustively by Community law and wherever the EU has exclusive competence. There are no exceptions, unless permitted by Community law. National parliaments retain their power to make laws – in full or in part – in areas subject to joint or national competence.

There are also new tasks associated with EU membership. Parliament is indirectly involved in EU-level decision-making within the framework of specific procedures, and the Government cooperates with the National Assembly to develop Hungary's position in respect of draft Community legislation pertaining to specific areas (this is known as the scrutiny procedure). The Act on the National Assembly regulates cooperation between Parliament and the Government in matters relating to the European Union. More detailed rules are provided in the Resolution on Rules of Procedure. These provisions divide the tasks of the Parliament in relation to the European Union between the National Assembly (in the plenary) and the Committee on European Affairs. When the scrutiny procedure applies, the Committee has the final decision-making power. Government duties, however, are normally addressed to the plenary.

The transposition of directives into the national legal system has emerged as a new task. Directives oblige Member States to achieve their purpose, but it is the task of each Member State to select the method of implementation and integration into its own law. This obviously involves legislative duties. Since Hungary's accession, most items of proposed legislation have sought to achieve legal harmonisation. The second source of law comprises regulations. As these laws are directly applicable, they do not impose an additional legislative burden on national parliaments. However, binding Community decisions do impose a legislative duty on national parliaments.

3.4. Parliamentary resolutions

As a legislative body, the National Assembly passes normative resolutions in addition to enacting laws. As a parliamentary resolution is not a law, it may not grant rights to, or prescribe obligations for, citizens. Parliament is typically a legislative body, but it also passes resolutions to exercise certain of its powers and to perform some of its duties. In fact, many parliamentary resolutions are not normative and are specific in nature to the election of various officers and members of committees and to approving reports. Most of the normative parliamentary resolutions concern the adoption of various, normally longer-term plans, programmes and strategies. Parliamentary resolutions cover, for instance, the National Programme for Environmental Protection, the National Health Promotion Programme, the National Regional Development Plan, the National Strategy for Preventing Community Crime, and the long-term directions for developing Hungary's National Defence. Parliamentary resolutions most frequently invite the Government to develop and submit proposed legislation or plans. In addition, Parliament occasionally issues tasks to the Government or defines desirable government measures. A parliamentary resolution is a regulatory instrument of public law within the meaning of the Act on Legislation and as such, cannot conflict with any law. The law stipulates that the National Assembly may regulate its organisation, operation, activities and action plans by means of a normative decision. Although the exact interpretation of the latter may be difficult to apply in relation to the National Assembly, it is beyond dispute that the provisions of a normative decision are not rules of general application and cannot extend beyond the internal relations of the National Assembly (Tóth, 2022).

Among the parliamentary resolutions, the Resolution on Rules of Procedure, which is one of the cornerstones of the functioning of Parliament, is particularly worthy of mention. In addition to the Act on Legislation, the right of self-regulation of Parliament is enshrined in the Fundamental Law, which stipulates that *"unless otherwise provided in the Fundamental Law, the National Assembly*

shall make its decisions with the votes of more than half of the Members of the National Assembly present." (Erdős & Smuk, 2022, p. 36)

This provision of the Fundamental Law was established by the Fourth Amendment to the Fundamental Law; previously, both the Fundamental Law and the Constitution provided for the adoption of the Standing Orders (our previous parliamentary resolution), so the Standing Orders were a single document, adopted in the form of a normative resolution – not a statute or a law (Erdős & Smuk, 2022). The form of the resolution was a sign of respect for tradition and enabled a clearer exercise of the Parliament's right to self-regulation: unlike laws, the normative resolution did not have to be signed by the President, so the National Assembly could control the whole process of its adoption (Kukorelli, 2014).

However, the 'disadvantage' of the normative decision compared to the law, which is a statute, is that, because it is a regulatory instrument of public law, it can only impose a requirement on a legal subject who is a member of the National Assembly (because, as mentioned above, regulatory instruments of public law do not have general binding force). At the same time, these decisions can also affect our everyday lives – for example, through the decisions by the National Assembly to call a national referendum. Thus, for example, the obligation to appear before a committee of inquiry was a provision of the Standing Orders that was not binding on non-MPs. This has also been remedied by the division of the provisions of the procedural rules between statutory and normative sources of decision, thus serving the requirements of respect for tradition, the separation of powers, and the rule of law (Erdős & Smuk, 2022).

Among the parliamentary resolutions, it is worth mentioning that national referendums are also ordered in this form, and this is reviewed by the Constitutional Court, for instance, within thirty days upon the motion of any person, regarding its conformity and legality with the Fundamental Law, which is a unique aspect of this type of norm.

4. Quantitative description of the Hungarian legislation from 1990[13]

The rise of the independence of the National Assembly and the revival of parliamentary politics can be traced back to the legislative performance of the National Assembly. In the 1985–1990 cycle, the total legislative performance of the last parliament before the change of regime can at most be compared to the performance of a weaker year (rather than a cycle) of the post-1990 parliaments,

[13] The analysis is based on the data available on the webpages of the Hungarian National Assembly and the Office of the Hungarian National Assembly (Corruption Research Center Budapest, 2015).

with its 105 laws, but it is worth noting that between 1949 and 1985, only 192 laws were passed by the National Assembly, so the trend before the change of regime had already foreshadowed a major change in the dynamics of law-making (Szente, 2009).

After 1990, the National Assembly enacted 148 laws on average each year, but the most active cycle has been much more productive (with an annual average of 215 laws in the 2010–2014 cycle). The legislative performance of the first parliament of the regime change dazzled some and worried others: during its mandate, the National Assembly passed a total of 432 new acts and 354 resolutions. This was far more than the total number of laws enacted between 1949 and 1990, which showed the emancipation of the institution of parliament and its re-establishment in the Hungarian constitutional system. The workload of the 1990–1994 National Assembly – and perhaps the inexperience of the parliament – is illustrated by the fact that at the end of the term there were 102 legislative proposals (31 from the government and 71 from individual MPs) that were put on the agenda but not discussed (Szente, 2009). In the 1994–98 cycle, the governing coalition's large majority removed the most important legislative obstacles to the implementation of the government's programme and allowed the adoption of two-thirds majority laws, whose qualified majority requirement in previous and subsequent terms gave the opposition veto power. During the term, the National Assembly passed a total of 499 laws, of which 264 were new acts and 235 were modifications (Hungarian National Assembly, n.d.b).

The National Assembly elected in 1998 adopted a total of 460 laws (273 new acts and 187 modifications), not much less than in the previous term, but this time almost 40% of the laws were the proclamation of international treaties, which is the most formal way of legislating (since the parliament does not alter them). Thus, the number of laws enacted in the 1998–2002 parliamentary term fell significantly, not only in comparison with the legislative work of the previous two cycles, but also with the figures for later years. In terms of the legislative techniques used, the right-wing majority continued some of the previously established methods. For example, the adoption of so-called "omnibus" or "salad acts," amending many other laws by one act, continued to be used; the 1999 budget law, for example, amended approximately 50 laws.

The legislative role of the National Assembly elected in 2002 became more active than in the previous term, with 262 new acts and 311 modifications adopted in the whole term. One of the important events of the cycle was the fact that the practice of adopting the salad acts, which had previously been used as a popular practice, also raised constitutional problems, which were this time blocked by the Constitutional Court.

The coalition that was re-elected in 2006 started with great vigour on the legal reforms that had been left undone in the previous term(s), and despite the many significant political events that took place during this term (Őszöd speech, protests, resignation, etc.), the National Assembly adopted more legislation than ever before: 587 acts and 421 resolutions between the 2006 inaugural session and the end of 2010.

The 2010–14 cycle was outstanding in all respects in terms of the number of acts and resolutions proposed. The second Orbán government and the more than two-thirds majority of the National Assembly wanted to renew and completely transform Hungary with the new Fundamental Law, the cardinal acts, and the transformation of the legal system, compared to the previous term (Soltész, 2025).

The years between 2011 and 2013 were very turbulent. The average number of published laws in these years was 231. In contrast, between 1990 and 2022 this average is only 148. The number (166) and share (65.4%) of published laws modified within one year became extraordinarily high in 2013. Although this number decreased annually after 2013, it remains high in historical terms. Up until 2010, the legislation process became faster. The time elapsed between the introduction and the publication of a bill significantly shortened after 2010.

However, it was also noticeable that the workload of the National Assembly was already under extreme pressure, and with the number of MPs already reduced to 199 for the next term, it was also feared that quantity would be compromised at the expense of quality. As a result, the rules governing the functioning of the National Assembly were changed and the legislative process was restructured.

Between 2014 and 2018, the Parliament adopted 730 laws; 565 of these laws were proposed by the government, 148 by MPs, and 17 by committees (Hungarian National Assembly, n.d.c).

Generally, the Government submits most of the proposed legislation (around 50–60%), followed in terms of frequency by Members of Parliament and committees. Presidents of the Republic have rather infrequently exercised their right to initiate legislation; this only occurred three times during the 1990–1994 cycle. The President has not used this power since 1994. The Government, being the most significant law-drafter, introduces more than 80% of all enacted laws.

Some 55–60% of all draft legislation submitted emanates from the Government, and the remaining part from individual MPs and parliamentary committees. The following table shows the legislative activity of the Hungarian National Assembly in each parliamentary cycle from 1990 to 2018.

The latest cycle shows signs of consolidation in terms of parliamentary numbers, with virtually all indicators below the previous two cycles and close to the pre-2010 cycles. The number of laws passed has decreased by 20% compared to the 2014–18 cycle and by 30% compared to the 2010–14 cycle. The number of resolutions, while slightly higher than the previous cycle, is still less than half of the 2010–14 cycle. The number of laws introduced by MP proposals has also fallen to the pre-2010 level. Of course, we must not forget that this was a period of pandemic, which also affected the work of the Parliament. The Parliament continued to operate, but with fewer sitting days, because during the pandemic the state of danger[14] was introduced, which is a special legal regime that allows the government to take over the role of the Parliament with the approval of the Parliament.

Table 4 below summarizes the legislation activity of the Parliament.

Table 4: Legislation activity of the Parliament (Hungarian National Assembly, n.d.c)

Cycle	Number of laws			Number of resolutions (including decisions concerning the person)	Number of political declarations, guidelines, principled positions	Decisions total
	New	Modification	Total			
1990–1994	219	213	432	354	10	796
1990–1998	264	235	499	455	3	957
1998–2002	273	187	460	394	2	856
2002-2006	262	311	573	488	4	1065
2006-2010	263	326	589	421	5	1015
2010-2014	321	538	859	419	4	1282
2014-2018	222	508	730	173	0	903
2018-2022	237	360	597	176	7	780

[14] It was based on Article 53 of the Fundamental Law, but after an amendment it is now regulated in Article 51.

5. Conclusion

In Hungary, the substantive rules on the content and the formal rules of legislation are set out in detail. The legislators, the types of legislation, the most basic rules of law-making, and the main rules governing the legislative process are set out in the Fundamental Law. The detailed rules of legislation are laid down in the Legislative Drafting Decree. The detailed rules of the legislative process are laid down in Parl. Res. 10/2014. There is also a separate law on scrutiny of proposals. It can therefore be concluded that the legislative rules in Hungary are highly detailed and normatively defined. It is also worth noting that Hungary is one of the countries where the basic rules are regulated at a relatively high level by law. Both substantive and procedural rules are mandatory and are ultimately subject to the supervision of the Curia and the Constitutional Court, and any breach of these rules may even lead to the annulment of the legislation in whole or in part. The most detailed procedural rules relate to the legislative activity of the National Assembly. This is no mere coincidence, since the laws enacted by the National Assembly are the most important in the Hungarian legal system after the Fundamental Law, both in terms of the importance and scope of the subjects they regulate.

The legacy of the change of regime, the law-oriented nature of legislation, is still apparent. The National Assembly has sought to regulate as many subjects as possible and in as much detail as possible, even though in many cases the subject matter of the legislation would have required a more flexible amendment, at a lower level of legislation that would have ensured quicker, less politically influenced change. Another result of the change of regime is the introduction of cardinal acts, which require wider consensus of the Members of the Parliament on the most important legislative issues in order to ensure their broader legitimacy. The decisive role of the National Assembly in the Hungarian public law system has not only been strengthened by the change in its constitutional and legal status, but its legislative activity has also increased.

In the years following the change of regime, evaluative commentaries spoke of a legislative boom, which was predicted to gradually decline as the democratic establishment consolidated. The figures, on the other hand, show something quite different more than 30 years later. Legislative activity has steadily increased and even gained new momentum from 2010 onwards: between 2010 and 2018, many laws were reformed. The most extensive legislative activity in the last 30 years was carried out in the 2010–2014 cycle. Since then, it has become almost routine to pass more than 200 laws a year. There are signs of a certain moderation only from 2018 onwards, which may be explained by the continuity of government policy and the stable majority in government since 2010. However, the peak of legislation has not been accompanied by a decline

in the formal quality of legislation (the assessment of its content is, of course, outside the scope of this study). On the contrary, the mandatory rules of law-making have become more and more sophisticated in terms of practical experience, compliance with them has become evident, and the use of digital tools has given a new boost to this process.

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