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National ordinary courts

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Hungary



Hungary

This section provides you with information on the organisation of ordinary courts in Hungary.

Ordinary courts – Introduction

Civil justice system

Courts of first instance

District courts and general courts

All proceedings not referred to the general courts by law come under the jurisdiction of the district courts (járásbíróságok).

The general courts (törvényszékek) act as courts of first instance in respect of:

- property law claims, where the amount at stake exceeds HUF 30 million (approx. EUR 106 000), except where the proceedings are initiated along with a petition for divorce;
- proceedings relating to copyright and related rights, and industrial patent protection;
- compensation proceedings for damage caused in the course of carrying out official procedures by persons acting within their public administrative competence;
- proceedings relating to international agreements on the carriage and forwarding of goods;
- proceedings to enforce civil rights claims arising as a result of the infringement of moral rights, including proceedings for compensation for such infringement if they are initiated with or in the course of such proceedings;
- proceedings relating to securities;
- libel claims;
- certain company law disputes defined by law:
 1. proceedings for the repeal of a court of registration decision granting a registration application;
 2. proceedings for declaratory judgments on the existence, invalidity or effect of deeds of foundation or articles of association;
 3. proceedings relating to the court review of decisions of business associations;
 4. proceedings based on the membership between members (former members) and business associations, and among members (former members);
 5. proceedings relating to the acquisition of a qualifying holding;
 6. proceedings relating to the modification of rules on liability for members holding shares with limited liability;
- certain proceedings relating to registered associations not qualifying as business associations:
 1. proceedings initiated against such organisations by the body legally overseeing them;
 2. proceedings based on the membership between members (former members) and business associations, and among members (former members);

- proceedings relating to financing contracts concluded with healthcare service providers;
- proceedings to establish the facts for cases where the value of the subject of the proceedings would exceed the value provided for above;
- proceedings relating to unfair contractual conditions;
- compensation proceedings brought in connection with the parties' right to a fair trial and to complete the trial within a reasonable period;
- proceedings referred by law to the jurisdiction of the general courts.
- If any of the co-plaintiffs belongs to the jurisdiction of a general court, the proceedings will come under that court's jurisdiction.

Courts of second instance

General courts (törvényszékek): cases coming under the jurisdiction of the district courts acting at first instance, as well as cases heard by the administrative and labour courts.

Regional courts of appeal (ítélőtáblák): for cases falling within the competence of the general courts acting at first instance.

Curia (Kúria): for cases referred from the regional courts of appeal. Also for cases where a decision was delivered by the general courts as court of first instance, and where the parties, acting with legal representation, jointly request that their case be decided by the Curia – if the appeal is based on a violation of substantive law. Requests for the Curia to hear property law claims can only be made if the sum in dispute exceeds HUF 500 000 (approx. EUR 1 840).

The Curia also decides in respect of motions for review.

Composition of the courts

The court of first instance usually consists of a single judge, but in cases defined by law the court is composed of one professional judge and a three-member panel consisting of two assessors. The assessors have the same rights and obligations in the proceedings as the professional judge. However, only professional judges may act as single judges and presidents of panels.

The courts of second instance (general courts and regional courts of appeal) consist of a panel of three professional judges.

In the course of judicial review, three (or in certain cases – if justified by the particularly complex nature of the case – five) professional judges sit in the Curia.

Jurisdiction of the court

General jurisdiction: As a rule, the court with jurisdiction at the permanent address of the defendant is competent to act, if no other court has exclusive jurisdiction. Additional jurisdiction rules are also laid down by law (e.g. in the absence of a permanent address, jurisdiction depends on the defendant's place of residence).

The law also recognises special jurisdiction grounds in addition to general jurisdiction (alternative jurisdiction, exclusive jurisdiction).

In the case of alternative jurisdiction, where no exclusive jurisdiction is specified, the plaintiff may initiate proceedings before another court of its choice provided for by law rather than before the court with general jurisdiction (e.g. child custody proceedings may also be initiated before the court with jurisdiction according to the child's permanent address, compensation proceedings may also be initiated before the court with jurisdiction according to the place or area where the damage occurred, etc.)

In the case of exclusive jurisdiction, proceedings may only be initiated before a specific court.

Criminal justice system

Courts of first instance

As a general rule, the district courts have competence to conduct criminal proceedings.

However the general courts may conduct proceedings in the following specific cases:

1. crimes which are punishable by law by a prison sentence of up to 15 years or a life sentence; and
2. crimes against the state (Chapter X of the Criminal Code);
3. crimes against humanity (Chapter XI of the Criminal Code);
4. conspiracy to commit murder, negligent homicide [Section 166(3) and (4) of the Criminal Code], murder committed in the heat of passion (Section 167 of the Criminal Code), physical injury creating a substantial risk of death (causing death) [third alternative in Section 170(6) and (7) of the Criminal Code], kidnapping (Section 175/A of the Criminal Code), trafficking in human beings (Section 175/B of the Criminal Code), crimes against the rules on medical intervention and medical research and the right to medical self-determination (Title II of Chapter XII of the Criminal Code);
5. crimes against the order of elections, referendums, citizens' initiatives and European citizens' initiatives (Section 211 of the Criminal Code), misuse of qualified data (Title III of Chapter XV of the Criminal Code), malfeasance in office (Title IV of Chapter XV of the Criminal Code), violence against a person under international protection (Section 232 of the Criminal Code), prison riots (Section 246 of the Criminal Code), obstruction of justice in international court (Section 294/B of the Criminal Code), crimes against public (international) justice (Titles VII and VIII of Chapter XV of the Criminal Code);
6. terrorist acts (Section 261 of the Criminal Code), violation of international economic restrictions (Section 261/A of the Criminal Code), seizure of aircraft and railway vehicles, seagoing vessels and road vehicles of mass transportation or vehicles suitable for the mass transportation of goods (Section 262 of the Criminal Code), participation in a criminal organisation (Section 263/C of the Criminal Code);
7. misuse of military products and services, as well as dual-use products (Section 263/B of the Criminal Code), insider trading (Section 299/A of the Criminal Code), capital investment fraud (Section 299/B of the Criminal Code), organisation of a pyramid scheme (Section 299/C of the Criminal Code), money laundering (Section 303 of the Criminal Code);
8. causing public danger resulting in major or serious financial loss [Section 259(2)(b) of the Criminal Code], interference with the operation of public utilities causing major or exceptionally serious financial loss [Section 260(3) and (4) of the Criminal Code], criminal offences against computer systems and data, causing major or exceptionally serious damage [Sections 300/C(4)(b) and (c) of the Criminal Code]; tax fraud and failure to fulfil one's supervisory or auditing obligation in connection with the related tax fraud, resulting in a major or serious loss of revenue [Section 310(4)(a), (5)(a) and (6) as well as Section 310/A of the Criminal Code], misuse of cash substitutes causing major or exceptionally great damage [Sections 313/C(5)(a) and 313/C(6) of the Criminal Code], theft [Sections 316(6)(a) and 316 (7) of the Criminal Code] and embezzlement [Sections 317(6)(a) and 317(7) of the Criminal Code] of items of major or exceptionally high value; fraud causing major or exceptionally great damage [Sections 318(6)(a) and 318(7) of the Criminal Code], misappropriation of funds, resulting in major or exceptionally great financial loss [Section 319(3)(c) and (d) of the Criminal Code], negligent mismanagement of funds resulting in major or serious financial loss [Section 320(2) of the Criminal Code], robbery [Section 321 (4)(b) of the Criminal Code] and plundering [Section 322(3)(a) of the Criminal Code] of major or high value, vandalism causing major or exceptionally great damage [Section 324(5) and (6) of the Criminal Code], receiving stolen goods of major or exceptionally high value [Section 326(5)(a) and (6) of the Criminal Code], violation of copyright or associated rights, resulting in major or exceptionally great financial loss [Section 329/A(3) of the Criminal Code], and violation of rights protected by industrial patent law [Section 329/D(3) of the Criminal Code];
9. criminal offences subject to military law;
10. Communist crimes and crimes not subject to a statute of limitations under international law, laid down in the law on criminal liability for and non-applicability of statutory limitation to crimes against humanity and the prosecution of certain crimes committed during the Communist dictatorship.

The areas of competence of the courts are, as a rule, determined by the area in which the criminal act is committed.

If the accused committed crimes coming under the jurisdiction of different courts, then the general court shall be competent to hear the case.

Courts of second instance

General courts: for cases falling within the competence of the district court acting at first instance.

Regional courts of appeal: for cases falling within the competence of the general court acting at first instance.

Curia: for cases falling within the competence of a regional court of appeal, where the decision of that court is appealable.

Courts of third instance

Regional courts of appeal: for cases decided by the general court acting at second instance.

Curia: for cases decided by a regional court of appeal acting at second instance.

Composition of the courts

Where the criminal offence in question is punishable by eight or more years of imprisonment, the district court acts as a panel of one professional judge and two assessors. In other cases the judge sits alone.

The general court, acting as a court of first instance, also conducts its proceedings in a panel consisting of one professional judge and two assessors.

The court acting as a court of second or third instance conducts its proceedings in a panel consisting of three professional judges. The Curia conducts its proceedings in a panel consisting of three or five professional judges.

Related links

[Official website of the Hungarian courts](#)

■ Last update: 29/10/2019

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