

Honourable Chief Justices,

Ladies and Gentlemen,

Dear Colleagues,

It is a great honour and a real pleasure for me to have the opportunity to address the Seventh Conference of Chief Justices of Central and Eastern Europe.

I spent more than thirty years in various positions at the Supreme Court of Hungary, the legal predecessor of the Curia of Hungary. From nineteen ninety to two thousand two I functioned as the Chief Justice of the supreme judicial forum. It was a fascinating and exciting period in which the best intellectuals of the country worked together in order to lay down the foundations of the new constitutional order of the young republic and to manage the country's peaceful transition to a democratic parliamentary system of governance through a series of legislative actions.

In this process the country's supreme judicial forum also had a role and function as an active agent in the democratic control mechanism, namely to guarantee judicial independence vis-à-vis the other branches of powers and to ensure the proper and uniform application and interpretation of the new laws for persons seeking justice before the courts. In this work the supreme judicial forum did not need to start from the very beginning, as it could rely on its wisdom and expertise embodied in its previous jurisprudence and best traditions.

For the Hungarian highest-level judicial forum has existed for almost a thousand years. First it functioned within the king's court, in the *curia regis*. Over the centuries the king became gradually replaced in the court by professional judges and in the early eighteenth century the Royal Curia was formally set up. It gradually loosened itself from the king's power and as a result of the judicial reforms of the second half of the nineteenth century it became the highest-level judicial forum of the new constitutional monarchy that came into being at that time.

The Royal Curia worked out several legal institutions, it defined – among others – the legal contents of lineal inheritance, the right of survivorship, statutory share of inheritance, strict liability, damage caused by hazardous operation, personality rights, and impossibility of performance due to economic reasons. The Royal Curia also passed important *decisions of principle* in the field of criminal law. It elaborated the temporal scope of the Criminal Code, the notion of median sentence length, and the content of evasive action taken in order to avoid an unlawful attack. The Royal Curia also had jurisprudence-harmonising tasks.

After the Second World War the Royal Curia was replaced by the Supreme Court which existed till the re-establishment of the Curia by the latest judicial reform five years ago. The Supreme Court issued several so-called *guidelines of principle* for developing the courts' jurisprudence. Many of those guidelines provide valid and relevant guidance even today. In the field of criminal law, for example, the guidelines issued on offences against life and limb and on responsibility for criminal offence committed under the influence of alcohol or drugs are particularly important. In the field of civil law the guidelines clarified the content of invalidity, defined the essential elements of child custody and laid down the rules governing actions seeking the judicial declaration of the ineffectiveness of pre-emption rights.

Without this solid professional background the Supreme Court would not have been able to play the role it did in the post-nineteen eighty-nine transition judicial reforms, which accompanied the comprehensive economic and social reforms and reintroduced the rule of law principle into the administration of justice. Those judicial reforms ensured, among others, self-administration for the courts and introduced the so-called uniformity procedure.

Thus, it can be stated that just as the judicial practice of the historical Royal Curia influenced the jurisprudence of the later Supreme Court, the achievements of the Supreme Court – especially of the Supreme Court of the post-nineteen eighty-nine transition period – could serve as a solid basis for the present Curia, re-established by the latest judicial reform.

As compared to the Supreme Court, the legislature conferred new competences on the Curia and introduced organisational and institutional changes which enable the Curia to function as a modern and efficient supreme judicial forum, meeting the requirements of the twenty-first century.

*Iustitia regnorum fundamentum*: “justice is the foundation of a State” – this motto was engraved with golden letters on the facade of the Palace of Justice which used to be the seat of the Royal Curia.

The prestige and esteem of the historical and the re-established present-day Curia is based not only on their one-thousand-year long history, but also on the fact that they have always applied and developed Hungarian law in the pursuit of justice, with a view to protecting the unity and peace of the nation from vicious interests and political ideologies. And I think that it is a noble duty for all supreme courts.

Ladies and Gentlemen, let me warmly welcome you to the beautiful Hungarian capital.

I wish you very interesting discussions and a fruitful Conference.

Thank you for your kind attention.