

4th Hungarian-Polish Legal History Student Workshop (The Development of the Private Law in the Interwar Period)

KRISTÓF SZIVÓS (University of Szeged)

TITLE: The Theoretical Basics of the Amendment of the Statement of Claim after the Hungarian Procedural Codification

With the adoption of Act I of 1911, the Hungarian procedural regulation turned to the principles of orality, immediacy, and publicity. In civil procedure, one of the essential questions is to what extent should the plaintiff be allowed to amend his statement of claim during the procedure. Since this changes the progress of the litigation in general, the legislator always restricts this right. The paper examines the dogmatic questions of the amendment of the statement of claim, the changes which were introduced by the first Hungarian code of civil procedure and the comparison of our provisions with the German legal regulation. The latter has a great significance since the Hungarian procedural codification was based mainly on the German one. A remarkable result of the reforms on the way of the codification was the act on summary procedure of 1893 (Act XVIII of 1893) being the first major work of Sándor Plósz, the legislator of the code of civil procedure of 1911. It is important to highlight this summary procedure since many of its solutions were applied in the final Code of Civil Procedure as well. The courts had the possibility to “try out” the oral litigation before adopting it in the ordinary procedure as well. Apart from that, the courts could give valuable “feedback” to the legislator about specific rules. The rules regarding the amendment of the statement of claim were almost identical to the ones in the final code, so the paper examines them as well.

BENEDEK VARGA (University of Szeged)

TITLE: Historical Category or Future Economic Crime? The Price Gouging

The First World War was a milestone in the development of criminal law in Hungary. Due to the financial crisis and the economic recession the state had to intervene in the economy through criminal law. As a consequence the legislator created criminal offences that provided the protection of national economy. In the second year of the war the Hungarian National Assembly adopted the Act Nine of 1916 about misdemeanour of price gouging.

Based on the relevant Hungarian criminal law literature and the parliamentary debates from the Hungarian Parliamentary Collection, I managed to draw the conclusion that the legislator set out two principles in the codification process. Firstly, it was necessary to ensure that the price of public necessities did not rise, secondly the criminalisation did not impede fair trading. Therefore, the legislator had to create liability excluding reasons in the statutory elements to protect the professional traders. Besides, it can be said that the Act codified such legal definitions which were completely unknown (e. g. *convenience goods*) in the legal terminology before, or they were only used in the field of civil and commercial law (e. g. *professional trader*). In my presentation I am going to demonstrate how did the Royal Regional Court of Budapest interpret these definitions, how did the legislator’s aim appear in the judicial practice in the light of teleological interpretation?

The topicality of my research lies in the fact that the idea of recriminalising price-gouging has appeared in modern criminal law literature, so researching the legal history background of the price gouging can contribute to the future criminal legislation.

