

**THE RIGHT OF THE INJURED PARTIES TO REPRESENT  
THEMSELVES INSTEAD OF BEING REPRESENTED BY A  
PROSECUTOR IN THE CRIMINAL PROCEDURE  
CODE OF HUNGARY**

**LÁSZLÓ FAZSI \***

**ABSTRACT:** *Since the general spreading of the institutions of Roman law, one can notice an interaction between the national legislations, which has become more and more intensive during the evolution of European law, especially since the 18<sup>th</sup> century. And since the birth of the European Union, the significance of getting to know each other's legal systems got a new dimension for the jurists of the Member States, regardless of the degree of autonomy of national legislation. This applies to penal law as well, the regulation of which is still under the scope of national authority. Hereafter, in the spirit of this, I would like to take part in the presentation of the Hungarian law of criminal procedure by shortly introducing its unique institution, the substitute private prosecution. The significance of this legal institute is that it can be considered as a special solution for the question of controlling the activities of prosecution, which has been raised even in the recommendation of the Council of Europe (Reccommendation No. 2000/19.). According to this, one should provide, on the one hand, the organizational conditions for the revision of the negative decisions of the prosecution, on the other; a chance of appeal to the court in case the revision ends up with no results. There are different solutions for this in every country, for example, in the German criminal procedure, the institution of the "Klageerzwingungsverfahren," which enables the court to oblige the prosecutor to indict after a plea from the injured. And the traditional Hungarian solution for this is the substitute private prosecution.*

**KEYWORDS:** *criminal procedure, prosecution, private prosecution*

**JEL CLASSIFICATION:** *K00, K23*

## **1. INTRODUCTION**

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\* PhD. student, Head of Council Szabolcs-Szatmár-Bereg County Court, Nyíregyháza, HUNGARY.