SHAM CONTRACTS IN THE FIELD OF HEALTH CARE

Tímea BARZÓ

ABSTRACT: In this paper we introduce the employment contracts, which shall be deemed as sham contracts in the field of healthcare. According to the Hungarian Civil Code contracting parties have the right to freedom of contract, which means, that they are allowed to conclude contracts and to choose the other party freely and to determine the content of the contract freely. This provision is the so-called freedom of contract. This principle can not be applied to such contractual relationships, where the parties would like to cover up their real legal relationship with another contract. These kinds of contracts are sham contracts. Sham contracts are null and void. Such contracts can be concluded if the parties are intended to get some kinds of legal or economical benefit in an illegal way, or they want to circumvent a disadvantageous legal situation. These kinds of sham contracts can be found in some special employment relationships, e.g. in the field of healthcare.

KEYWORDS: sham contracts, civil law, labour law, working activity, healthcare system, Hungarian Civil Code, Hungarian Labour Code

JEL CODE: K0

* Associate Professor, Head of Civil Law Department, HUN 3515, Miskolc, Egyetemváros, University of Miskolc, Faculty of Law, Department of Civil Law, HUNGARY.