

**RIGHT TO THE (EFFECTIVE) DEFENCE IN THE (NEW)
HUNGARIAN CODE OF CRIMINAL PROCEEDINGS***

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ABSTRACT: *The aim of this paper is the analysis of the right to the effective defence in the (Hungarian) criminal proceedings. This right is a nominated element of the right to the fair trial in criminal proceedings. The right to defence is set forth in both the current Hungarian Act on Criminal Proceedings valid at the time of drawing this study (Act XIX of 1998) and the new Hungarian Act on Criminal Proceedings to enter into force on 1 July 2018 (Act XC of 2017). However, the new Act has rephrased provisions in which the phrase right to defence is worded as right to effective defence. In my study, I provide a brief overview of the definition and classification of the fundamental principles. It helps us to be able to find the correct position of right to defence taxonomically. After that, I take a look at how the right to defence is enforced in Hungarian criminal proceedings. I also look at the regulations in the New Act on Criminal Proceedings to see whether the legislator imposes additional obligations on the criminal authorities and/or the defence counsel in criminal proceedings by implementing the definition of right to effective defence. In my study, I review the EU Directives that have been implemented by the legislator into the current Act on Criminal Proceedings within the scope of enforcement of the right to (effective) defence as well as the extent of such implementation. I also look at how these EU Directives are regulated in the New Act on Criminal Proceedings.*

KEYWORDS: *criminal procedure; right to the fair trial; right to the effect defence; fundamental principles of criminal proceedings*

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