

THE PUBLIC ADMINISTRATION PROCEDURAL LAW IN 2030?! DREAM OR REALITY?!

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ABSTRACT: *The public administrative work processes – and within that the regulation of the official procedure – have their own peculiarities and regularities. Observing, counting, organizing and possibly rethinking them can be extremely rewarding, as the history of modernisation of administrative work has shown.*

The present study consists of two parts. In the first part, entitled “What was and what is now”, I discuss the foreign and then Hungarian antecedents of the rationalization of the public administration system and administrative work processes. Then, I analyze shortly the main characteristics of each stage of my “journey” from the first stage of the establishment of the general rules of the Hungarian administrative authority procedure – from the years 1957, 1981, 2004, 2016. In the second part, entitled “What will happen”, I draw my vision, the consequences of the first part and outline what the position of the general regulation of the official procedure will be in Hungary in 2030. Sci-fi or reality? I try to give a hypothetical answer to this question. Not the way others see it, but the way I think it is.

KEY WORDS: public administration; modernisation; administrative procedure; work process; historical background; AI; ICT; VR.

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1. WHAT WAS AND WHAT IS

In this part of my study, I discuss 2 issues. First, the last 2 of the main stages of the general regulation of the official procedure in Hungary will be briefly presented for a few thoughts. However, the emphasis will be on the vision of the future that I can currently imagine in the 2nd part, in which the currently existing and used info-communication technology tools can play a prominent role. With the help of these tools, we will be able to manage our affairs in a still perhaps a little futuristic, but innovative, fast and convenient public administration system.

THE LAST TWO STAGES OF THE GENERAL REGULATION OF THE PUBLIC ADMINISTRATION PROCEDURAL LAW IN HUNGARY

The need for unified regulation of the public administrative procedure in Hungary only appeared in the XIX. arose in the last years of the 20th century, because before that the

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view was widely held that it was impossible to create uniform rules due to the extreme diversity of public administrative matters. Concha Gyöző, one of the leading public law thinkers of the era, wrote the following about this in 1905: "(...) a general administrative procedure is not possible, but it must be established separately for each task"(Concha, 1905, p.105).

The XX. However, the beginning of the 20th century brought changes in this matter as well, and laws were passed one after the other that established general rules. The legislator was therefore familiar with the work of Taylor and Fayol, as well as Magyary, Fluck and Raith: every work process can be broken down into elements and the best solution can be created, and public administration work can be industrialized, so the solutions and methods that private administration can be introduced into public administration developed, and public administration is for the people, the Taylor principle can be applied in public administration, and appropriate tools and procedures must be assigned to each job.

1.1 2004 CXL. TV. ON THE GENERAL RULES OF PUBLIC ADMINISTRATIVE AUTHORITY PROCEDURE AND SERVICE (THE KET.)

In the fifteen years after the regime change, "(...) no law was passed, the creation of which was preceded by such extensive and in-depth professional, scientific and political preparation as happened in the „Ket” (the name of the public administration procedural law act from 2004) (Kilényi, 2005. p.34.). The codification committee started its work in 1999 and finished it on June 30, 2002, and then the inter-ministerial consultation began, the "result" of which, according to the head of the committee (Professor Kilényi), was witnessing "how a budding rose turned into a dry thorn". During the inter-ministerial consultations, "(...) the draft was thrown back three times for the purpose of 'further consultation', so the consultation actually turned into a special 'voice competition': the draft could not be submitted to the Government until all ministries gave their nod to it. ” (Kilényi, 2005, p.2–3).

It is no wonder that, after such "thorough" preparation, CXL of 2004 on the general rules of administrative authority procedure and service. Act (hereinafter: Ket.) already contained at least two constitutional violations at the moment of its promulgation, so it was amended by the legislator even before its entry into force (!), and three years after it entered into force, its comprehensive amendment was completed in Act CXI of 2008. by law (Ket.).

Regarding its scope, Ket. increased approximately twice compared to the Et., and its wordings were particularly long, difficult, and sometimes confusing, full of conflicting legal positions. Ket reflects all this well. and the expansion of the relationship of special procedural norms to six, compared to the previous three, and the fact that the law allows deviations from the general rules in about seventy jurisdictions (Hajas, 2016, p.19). Several new, previously unknown legal institutions appeared in the law, e.g. official contracts, official mediators, re-admission applications, electronic administration and official service, etc. All of this made the work of law enforcers significantly more difficult.

Overall, „Ket”, it did not become an ornament of Hungarian legislation, it was repealed ten years later. The government decision 1011/2015. (I. 22.) decided, that the laws on general administrative procedure and administrative litigation procedure should be prepared, as a result of which the CL of 2016 on general administrative procedure was created. TV. (hereinafter: Akr.)

1.2. 2016 CL. TV. ON THE GENERAL ADMINISTRATIVE ORDER (SHORTLY „ÁKR”)

I will just show some relevant information and characteristics about the current regulation, which can be summarized as follows:

- different structure compared to „Ket”. (chapter 12, § 144);
- general rules that actually apply;
- striving for short, simple and clear sentence editing;
- the appearance of new legal institutions, e.g. automatic decision-making, summary procedure, the decision with contingent effect, etc.;
- shortening of administrative deadlines;
- the reform of the legal remedy system, the primary form of legal remedy became the public administrative lawsuit, the detailed rules of which are recorded in the Civil Code;
- broadening the range of simplified decisions;
- reducing the rules of the enforcement procedure and redirecting it to the judicial enforcement route, with the state tax authority being the executing body - unless otherwise provided by law, government decree, or municipal decree in municipal authority cases.

In general, our current procedural law can be said to be shorter than the previous law and contains fewer provisions (Moldovan, 2018). Accordingly, it was necessary to add additional rules and additions to sectoral/policy areas in numerous decrees, but the goal was still the creation and application of legislation enabling efficient and transparent administration. Instead of presenting the detailed rules, what follows is rather a brief presentation of the possible (in my opinion) near-future procedures that will play an increasingly important role in the digital space.

2. THE POSSIBLE FUTURE?!

In today's advanced, information-based societies, an increasing need for innovation can be observed, which is based on the development of information and communication technologies. Information and communication technology (hereinafter: ICT) can be excellently used in all areas of economic and social life, so new and new results prove its usefulness during work, in education, in the research sphere and the business world. Of course, the public administration could not "ignore" this either, so in the last decade(s) digitization and modernization can be observed with increasing intensity both at the domestic and international levels. In modern public administration, officials try to use ICT tools as often as possible in order to perform their tasks as efficiently as possible (Csáki-Hatalovics, 2016, p.363–384). I can now state that state leaders and the entire system of public administration use ICT tools during their work, during which, among other things, organizational and institutional reports are prepared on meetings with clients and other actors, and from the start of the official procedure to the clarification of the facts, the decision until communication in each processing part. Furthermore, it became the most important tool for maintaining contact, as well as the almost exclusive tool for data recording and processing. We see that in the recent period, ICT tools have changed the operation of organizations and associated institutions, as well as how staff communicate with each other and with their customers.

The IT supply, equipment, development and renewal of the institutions are constantly on the agenda, as its effect on the administration and the handling of public administrative matters is visible. It can therefore be stated that ICT influences both the internal communication of civil servants and the communication between workers and managers of other institutions in the organizational environment. The rapid and continuous development of technology makes it possible to improve the systems even every year since many new ICT devices appear at any given time. These new systems and ICT tools offer new opportunities (Szabó, 2020 p. 225). Regarding future developments, one of the main goals should be "teaching the acceptance" of new devices (with special regard to artificial intelligence, virtual reality-based solutions, and automated processes), as a result of which the acceptance of ICT devices, especially smartphones, should appear in public administration. at organs. In this way, trust in the tools can increase, and it can be possible to attract the necessary resources to acquire the tools, which is the starting point for all further steps (Csáki-Hatalovics, 2016, p. 258).

On the other hand, approaching the administrative applicability of ICT tools, it can be seen that the use or application of these new technological tools can be fun and exciting, but also carries concerns and uncertainties regarding its dangers. At the same time, we could also say that nowadays even though this may not be enough for generation Z customers, in their case it may also be necessary for the public administration, the administration itself, to be "experience-like". Various smartphone applications can help with this nowadays, the number of which has increased significantly in recent years thanks to the coronavirus. It can be taken for granted that we already have a smart device in our pocket, which is suitable for, among other things, biometric identification and conducting administration processes through applications, which is why continuous development for these platforms is important. But how can the "experience" factor be enhanced shortly? In my opinion, the answer lies in administration transferred to the virtual space. Artificial intelligence (hereafter: AI) and virtual reality tools (hereinafter: VR) and software can open up completely new dimensions in this area.

Virtual reality technology is becoming more and more common today. The hardware development of technology and it's becoming more affordable brings the worlds depicted in virtual space into more households every week. In the virtual world, we can do so many different things, there is almost no limit to the expansion of our abilities. It is therefore not surprising that many believe that this technology represents the next step in the development of digital government. The young generations growing up in the information society are receptive to the use of such technologies, which because in the future may have a good effect in increasing the participation of citizens in public administration processes. In this way, customers could visit the offices and manage their affairs in the virtual space.

Technology is already a given, which is used more and more often in business life to implement meetings and projects. Of course, this requires appropriate tools and knowledge, the examination of which is not the subject of this study. If they are available, a whole new dimension of administration can open up in public administration, which I will only briefly outline in the following according to my ideas and visions.

In the administration of the future – in 2030 - it is of course necessary to continue to ensure the traditional forms of personal initiative, which, however, in my opinion, can be supplemented with such an office possibility that, by calling AI for help, even sitting in an office "box", without an administrator certain cases can also be initiated by communicating

with AI and entering our data to initiate the administration. It will still be possible to carry out administration via the internet/mobile application, where a multi-key, e.g. after biometric + password-based identification, we can also carry out a wider range of administration (attach documents, request permission, make a statement, present an inspection item, etc.). But for many, the real experience can probably be fulfilled by entering a virtual office in public administration. Let's imagine a virtual government window where, by entering - from home, with our own devices - we have the opportunity to communicate with the administrator, or even with an avatar (AI-based administrator), just like in "traditional government windows".

And what can we do as a client in the virtual office?! Just a few examples of the services that can be made available:

- we can communicate
- we can initiate a case,
- we can attach documents,
- we can take part in a proof procedure,
 - witness interview
 - presentation of expert opinion, professional authority position,
 - virtual inspection either by scanning objects or by location,
 - we can participate in a negotiation (even from a distance of many thousands of km),
 - use of an interpreter service either by a real person or with the help of AI,
- we can make a statement,
- we can pay a processing fee.

At the current level of technological development, the administrative applicability of AI can play a role in some procedural acts that occur frequently in everyday life, partly for substantive administration, and partly for informational purposes only.

As previously explained in the article *Artificial Intelligence in Public Administration*, AI systems can be classified into two groups:

- a) systems based on machine learning;
- b) expert systems.

Systems based on machine learning can be suitable for fast and accurate processing of large amounts of data, quick execution of repetitive tasks, multiple data analyses, and conclusions. to formulate possible prognostications. In these cases, we are talking about a system capable of self-learning, which can recognize new relationships between the data and possible output variations and is then able to take them into account later on. I must point out that the underlying data must be accurate, because the conclusions drawn from them will only be usable for the authorities in this way. Compared to these, the expert systems operate on a different principle, the so-called "if, then" basis, i.e. they can solve and conduct a case based on the supplied rules from the answers received. Accordingly, their field of application is primarily customer service, where they can even replace the activities of the clerk (Fejes-Futó 2021, p. 24.). Of course, it is not certain that this would be a positive and accepted development or change in every case, in my opinion. The two systems can also be combined, thanks to which even more complex, high-frequency administration processes can even be completely (or almost completely) automated (Drótos 2018, p. 12).

However, public administration is a specific area of administrative processes that often limits the application of AI, as there are so many unique and complex cases that it is not

possible to make an appropriate decision based on maximum professional grounds without human/official intervention and consideration. If I had to single out an area in which, in my opinion, the applicability is unquestionable, it would perhaps be the use of biometric solutions that can be used for identification during administrative processes, especially facial recognition and facial recognition, which AI systems are perfectly capable of handling. Here we can even talk about administration/use of services/crossing national borders...etc. about required identification. It is often criticized as a criticism of these solutions that their application may even unjustifiably violate human dignity and personal living space. In my opinion, its application is only possible after prior approval (Szabó 2020, p. 278).

However, in addition to all these theoretical approaches, it is still important to point out that in September 2022, AI-supported, touch-screen, so-called at self-service points, certain types of cases can be dealt with in the specified government windows. This certainly proves that the Government is committed to the practical implementation of the goals set in the AI Strategy, with an appropriate schedule. This 200 AI-A Points is also an excellent experience-gaining and information-gathering program, as to how well customers accept administration that completely bypasses the official. The goal here is, of course, that specific matters can be handled electronically easily and quickly, without the intervention of administrators or standing in queues. To do this, the stations have all the technological accessories necessary for quick and easy administration, including a built-in camera, microphone, fingerprint and document reader, speaker, printer, bank card terminal, and signature pad. Our Assistants are, in my opinion, innovative and customer-friendly, as they guide the user step by step through the procedure, at the end of which process they receive an authentic, printed receipt that confirms the fact that the case was opened, the customer's data and the identification number of the case, among other things (Self-Service points.2022).

In addition, I can also mention as good and already operational practices, among others - and without claiming to be exhaustive - NAV's Flexible Tax Audit Decision Support and Data Mining System (RADAR), which assists in risk analysis and the selection of tax audit subjects based on previously investigated cases, or the NÉBO, the chatbot of the National Food Chain Safety Office (Nébih), which provides assistance to customers on the agency's Messenger and Facebook interfaces. Furthermore, AI-supported identification with the help of the Central Identification Agent, protocol writing with dictation, online self-service administration with the help of an expert system, or even crime prevention with the help of behavioural analysis on big data, as well as the testing of autonomous vehicles in a military environment, and even the increasingly important cybersecurity defences with AI algorithms (HUN AI Strat. 2020. p. 15.).

3. CLOSING THOUGHTS

In my opinion, the outlined (partial) vision of administration in the virtual space is not feasible for all types of cases, in all cases, but in many cases, it can represent a real and experience-rich administration opportunity. However, the methods already well established by organizational science - following the work of Fayol, Taylor and Magyary - can also help us in the analysis of individual process parts, in which areas this level of digitization should and can be applied or not. Their teachings also gain certainty that they

can form the basis of timeless public administration modernization, regardless of era, and with their help, we can really create better, more efficient, faster, cheaper and experience-oriented administration, where both the client and the state can be a "satisfied" part of the processes. However, as the MI Strategy puts it, AI is the technology of the present age, and if we develop it effectively, responsibly, and together, we create an excellent chance for it to effectively affect our daily lives and administrative services, making it more convenient and efficient.

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