

ARTICOLE

The practical application of judicial mediation  
in Hungarian civil proceedings

---

DOI: [https://doi.org/10.24193/SUBBIur.70\(2025\).2.92-119](https://doi.org/10.24193/SUBBIur.70(2025).2.92-119)  
Data publicării online: 19 nov. 2025

---

Noémi BÉLDI-TURÁNYI\*

**Abstract:** Since 1999, the European Union has issued various guidelines to Member States to develop alternative procedures to improve access to justice. As a result, in 2008 the Directive 2008/52/EC of the European Parliament and of the Council on certain aspects of mediation in civil and commercial matters was adopted, allowing Member States to develop rules on mediation in court proceedings. Member States had until 21 May 2011 to transpose the Directive into their national legislation, which most Member States, including Hungary, have done. The study examines the court mediation procedure in Hungary as one of the most prominent instruments of alternative dispute resolution, with special regard to its origin in the European Union, its Hungarian regulation, and its integration into civil litigation. Using national statistical data, the research presents the practical functioning and experiences of Hungarian court mediation (2014-2023).

**Keywords:** alternative dispute resolution, court mediation, voluntary and compulsory mediation, Hungarian practice.

---

\* PhD student, Géza Marton School of Legal Studies, University of Debrecen.  
Email: [turanyi.noemi@gmail.com](mailto:turanyi.noemi@gmail.com). ORCID: <https://orcid.org/0009-0006-7447-7671>

## Table of Contents

Introduction .....	93
I. EU rules on mediation .....	95
II. The integration of mediation into the Hungarian legal system .....	99
A. The Act on Mediation .....	99
B. The mediation procedure in civil substantive law .....	101
C. Mediation in civil procedure .....	104
III. The evolution of court mediation: the Hungarian model .....	107
IV. National statistics on Hungarian court mediation .....	114
Summary .....	117
Bibliography .....	118

## Introduction

Since 1999, the European Union has encouraged Member States to develop alternative out-of-court dispute resolution mechanisms to improve access to justice. The EU policy direction favours mediation as a quick, cost-effective and tailored solution to the needs of the parties. Directive 2008/52/EC, which allows Member States to regulate the use of *judicial mediation* in civil and commercial matters, was adopted in this spirit. The Directive had to be transposed into national law by 21 May 2011, and most Member States, including Hungary, have complied with this obligation.

The objective of this study is to examine the EU regulation of mediation, in particular judicial mediation, and to analyse the impact of this regulatory framework on the development and practice of Hungarian civil procedural law. The central question of the research is how the EU norms have been incorporated into the Hungarian legal order, with particular

attention to the regulation of the voluntary or mandatory use of mediation by courts.

In the second part of the study, an empirical analysis of the use of court mediation in Hungary is presented, based on national statistical data provided by the National Office for the Judiciary (hereinafter: NJO) for the period from 1 January 2014 to 31 December 2023. The quantitative research methodological approach aims at exploring the trends in the number of mediation procedures over the last decade, which will allow conclusions to be drawn on the prevalence and practical application of this legal institution in Hungary.

In the first section of the statistical analysis, I will examine the number of mediation proceedings initiated at national level per year, and then I will look at the number of cases in which the proceedings were ordered by a mandatory court order and the number of cases in which the proceedings were initiated on the voluntary initiative of the parties. The aim of the quantitative data analysis is therefore not only to identify quantitative changes, but also to interpret them in the regulatory and social context.

The hypothesis was formulated during the research:

Court mediation, as an alternative dispute resolution mechanism, has become an established and actively used legal institution in the Hungarian civil justice system;

## I. EU rules on mediation

*Recommendation R (81) 7 of the Committee of Ministers of the Council of Europe*<sup>1</sup> and *Recommendation R (86) 12*<sup>2</sup> have made recommendations to the governments of the Member States on preventing and reducing court overload. The recommendations considered the introduction of conciliation and mediation to be essential, primarily with a view to reducing the burden on the judiciary. The Recommendations placed particular emphasis on the possibility of settling disputes amicably outside the court system, either before or during court proceedings, and on the provision of benefits appropriate to conciliation procedures. The Recommendations apply to essentially all types of cases, and in particular consider it the main task of the judge to seek conciliation during litigation.

In April 2002, the European Commission presented a Green Paper on Alternative Dispute Resolution In Civil And Commercial Law, which reviewed existing practice in the Member States of the European Union.<sup>3</sup> The aim of the paper was to launch a wide-ranging consultation involving Member States and stakeholders in order to identify possible regulatory measures to encourage the use of mediation.<sup>4</sup>

In the spring of 2008, the European Parliament and the Council of the European Union adopted a Directive on certain aspects of mediation in

---

<sup>1</sup> Adopted by the Committee of Ministers of the Council of Europe at its meeting on 14 May 1981.

<sup>2</sup> Adopted by the Committee of Ministers of the Council of Europe at its meeting on 16 September 1986.

<sup>3</sup> Diána SZEKERES: *At the Gate of Court Mediation*, Applied Sciences Forum II, Budapest School of Economics, Budapest, 618.

<sup>4</sup> See. Mediation Directive Preamble (4) paragraph.

civil and commercial matters (the Mediation Directive, or Directive),<sup>5</sup> which was designed to facilitate access to alternative dispute resolution and settlement of disputes, in order to ensure a balanced relationship between mediation and judicial proceedings.<sup>6</sup> In doing so, the Directive *aims primarily to encourage the widest possible use of mediation by the parties, through the Member States*. In addition, one of the explicit aims of the Directive was to promote the development of a new type of mediation forum system which would enable the parties to settle their dispute by agreement and by consensus.<sup>7</sup>

The primary objective of the Mediation Directive *"includes as a goal improved access to justice, access to both in-court and out-of-court dispute resolution methods."*<sup>8</sup> The objective is in fact the court's function of steering parties towards alternative dispute resolution, which requires the legal authorities to seek to approve an agreement reached in mediation in the form of a settlement that results in a court-judged matter, *res iudicata*, and thus guarantees enforceability.<sup>9</sup>

It therefore attaches the utmost importance to maintaining a balance between judicial and extrajudicial mediation procedures. In this context, the Directive calls on the legislatures of the Member States to enact the necessary legislation, in which the court is given the task of consolidating the

---

<sup>5</sup>Directive of 21 May 2008 on certain aspects of mediation in civil and commercial matters, available at: [https://eur-lex.europa.eu/legal-content/HU/TXT/?uri=uriserv:OJ.L\\_.2008.136.01.0003.01.HUN](https://eur-lex.europa.eu/legal-content/HU/TXT/?uri=uriserv:OJ.L_.2008.136.01.0003.01.HUN) (Access date: 2020.06.18.)

<sup>6</sup> See. Mediation Directive Article 1 (1).

<sup>7</sup> See. Mediation Directive Preamble, point 10.

<sup>8</sup> See. Mediation Directive Preamble paragraph (5).

<sup>9</sup> István VARGA - Tamás ÉLESS (eds.): *Expert proposal for the codification of the new Civil Procedure Code*, HVG-ORAC Kiadó, Budapest, 2016.

function of directing the parties towards alternative dispute resolution and of approving the agreement reached in mediation.<sup>10</sup> The purpose of the *obligation to provide information on the mediation process* is to make the parties aware of the other alternative options for resolving the dispute. The approval of the settlement by the court provides an additional guarantee for the parties, as it gives the court legal binding force to the mediation agreement.<sup>11</sup>

The Mediation Directive lays down a definition of *mediation*, which is a legal institution, regardless of its name or reference to it, as a structured process whereby two or more parties to a dispute attempt to resolve their dispute by agreement on a voluntary basis with the assistance of a mediator. This procedure may be initiated by the parties, or proposed or ordered by a court, or provided for by the law of a Member State. Furthermore, mediation includes any mediation by a non-judicial judge concerning the dispute in question. It does not include any attempt by the court or judge seized to settle the dispute in question during judicial proceedings relating to that dispute.<sup>12</sup>

The basic principle of voluntary mediation is enshrined in the Mediation Directive in two ways: on the one hand, it refers to the fact that the parties voluntarily participate in the procedure of their own free will,<sup>13</sup>

---

<sup>10</sup> Márta GYENGÉNE NAGY: *The impact of the EU regulation on mediation on the Hungarian codification of procedural law*, Magyar Jog, 2016/5. no. 273.

<sup>11</sup> Lilla KIRÁLY: *The regulation of the new Hungarian Civil Procedure Code in relation to the preparation of the lawsuit and the taking of evidence in the light of continental and Anglo-Saxon legal systems*, PRO PUBLIKCO BONO - Hungarian Public Administration, 2019/2., 124-125.

<sup>12</sup> See. Mediation Directive Article 3 (a).

<sup>13</sup> See. Mediation Directive Article 10.

and on the other hand, they voluntarily undertake to comply with and adhere to the terms of the agreement, if the procedure is successful.<sup>14</sup> Mediation is thus a form of conflict management and dispute resolution in which the parties, instead of litigating in court, seek mediation, identify their realistic needs for future cooperation and, recognising and understanding the needs of the other party, settle the dispute by mutual agreement.

While the scope of the Directive is explicitly limited to cross-border cases<sup>15</sup> and the Directive obliges Member States to implement it in cross-border cases, it also encourages Member States to incorporate and apply its provisions in their domestic legal systems.<sup>16</sup>

In Europe, there are many examples of mandatory out-of-court mediation in the context of alternative dispute resolution:

In Romania, in certain types of cases – such as low-value property disputes and consumer protection cases – the parties were previously required to attend an information session explaining the benefits of mediation before they could file a lawsuit in court. However, the Romanian Constitutional Court declared this obligation unconstitutional in its Decision No. 266/2014, stating that participation in mediation can only be voluntary and that the parties are free to decide whether to use it. The Romanian Constitutional Court confirmed this position in its Decision No. 560/2018, pointing out that it cannot be made mandatory for the judge to refer the parties to mediation, as this would restrict the parties' free access to justice under Article 21 of the Constitution.

---

<sup>14</sup> See. Mediation Directive Article 6.

<sup>15</sup> See. Mediation Directive Article 1 (2).

<sup>16</sup> Balázs FÜRJES – András KRÉMER – Éva SOMODI (eds.): *The relationship between mediation and court proceedings in Hungary, Evaluation of the 2009/2010 pilot court mediation programme*, Budapest, 2010, 23.

Similar legislation has been introduced in Croatia<sup>17</sup> and Switzerland<sup>18</sup> in an attempt to reduce the burden on courts.<sup>19</sup> Another common model, as opposed to out-of-court mediation, is court mediation, which functions as a dispute resolution mechanism integrated into the court system, including litigation proceedings.

According to Hungarian legislation, citizens have the possibility to use out-of-court mediation and, if the parties are already in litigation, court mediation. In the following, we will look at the transposition of the institution of judicial mediation into the Hungarian legal system and its regulatory specificities.

## II. The integration of mediation into the Hungarian legal system

### A. The Act on Mediation

The Hungarian legal system lays down the rules of the mediation procedure in a separate Act, Act V of 2002 on Mediation (Act on Mediation). The Act on Mediation basically laid down the rules of the out-of-court mediation procedure prior to litigation,<sup>20</sup> but later it was supplemented by the legal institution of *court mediation* and *compulsory mediation* ordered by the court.

---

<sup>17</sup> Croatian Civil Procedure Code of 2003 and 2011, and mediation procedure is regulated by Act No. 2011/18.

<sup>18</sup> Swiss Civil Procedure Code of 19 December 2008, in force since 1 January 2011 (schZPO).

<sup>19</sup> Lilla KIRÁLY: *The birth of the new Hungarian civil procedure code and its latest rules*, JURA, 2017/2., 95.

<sup>20</sup> Thus, it particularly covered the request, tasks, operation of the mediator, the course of the mediation procedure, the relationship between the parties and the mediator.



The purpose of the Civil Procedure Act is to facilitate the settlement of civil and administrative disputes concerning the personal and property rights of natural persons and other persons in which the parties' rights of disposal are not limited by law.<sup>21</sup> It sets out a list of cases for which mediation is excluded<sup>22</sup> and specifies the categories of cases for which a court decision remains indispensable.

The Act on Mediation defines *mediation* as a specific conciliation, conflict management and dispute resolution procedure, which facilitates the conclusion of court or administrative proceedings, the aim of which is to create a written agreement between the parties to the dispute, based on the mutual agreement of the parties involved in the dispute, a third party not involved in the dispute, with the involvement of the mediator, to resolve the dispute between the parties.<sup>23</sup>

The procedural safeguards of mediation include that the mediator must be an independent, impartial third party who has no interest in the case.<sup>24</sup> In addition, there is a further requirement to ensure that the mediation is confidential and that confidentiality is guaranteed. Ensuring procedural safeguards is crucial, as without these requirements the mediation process cannot be successfully integrated into the judicial system.

---

<sup>21</sup> See. Act on Mediation Section 1. (1) paragraph.

<sup>22</sup> See. Act on Mediation Section 1. (3) paragraph, the use of the mediation procedure is excluded in guardianship proceedings, origin proceedings, proceedings related to parental custody with the exception of proceedings initiated for the settlement of the exercise of parental custody, proceedings for the dissolution of adoption, etc.

<sup>23</sup> See. Act on Mediation 2. §.

<sup>24</sup> See. Act on Mediation 3. §.

The Act on Mediation also defines the persons entitled to mediate,<sup>25</sup> the requirements of conflict of interest for mediators,<sup>26</sup> the main rules for the initiation and conduct of mediation proceedings,<sup>27</sup> the rules for the termination of mediation proceedings,<sup>28</sup> and a separate chapter on the rules for court mediation,<sup>29</sup> and the rules for the ordering of compulsory mediation proceedings.<sup>30</sup>

The Hungarian legislator has transposed the rules on court mediation into civil substantive law and the Code of Civil Procedure, in addition to the rules of the Act on Mediation

## **B. The mediation procedure in civil substantive law**

The creation of the substantive legal rules of mediation can be linked to the entry into force of the new Act V of 2013 on the Civil Code (Civil Code), which proved to be a significant milestone in terms of the introduction of this legal institution into the domestic legal system, as practical experience showed that prior to the entry into force of the Civil Code - especially in the period between 2003 and 2014 - the mediation procedure had not yet fulfilled the expectations of the legislator.

In the provisions of the Civil Code on family law, the legislator specifically mentions the cases in which it is possible to use the voluntary or mandatory form of mediation. The Civil Code provides for the possibility of

---

<sup>25</sup> See. Act on Mediation 4.§-16.§.

<sup>26</sup> See. Act on Mediation 25.§.

<sup>27</sup> See. Act on Mediation 23.§-38.§.

<sup>28</sup> See. Act on Mediation 35.§-38.§.

<sup>29</sup> See. Act on Mediation 38/A. § - 38/B. §.

<sup>30</sup> See. Act on Mediation 38/C. § - 38/H.§.

recourse to mediation in two cases: on the one hand, in relation to divorce and on the other hand, in relation to disputes concerning parental custody.<sup>31</sup>

Before or during the divorce proceedings, the spouses may, of their own free will or at the initiative of the court, have recourse to mediation to settle by agreement the disputes arising from their relationship or the divorce. They may incorporate the agreement resulting from the procedure in a court-approved settlement agreement.<sup>32</sup>

The parties have already had the possibility to use the mediation procedure voluntarily, but the legislator considered it important in codifying the Civil Code to provide the court with the legal possibility to direct the parties towards the mediation procedure and to facilitate an amicable divorce. It is appropriate for the court to direct the parties towards mediation if the relationship between the spouses has not deteriorated to the point where mediation is not possible and if the parties show a willingness to settle the dispute amicably.<sup>33</sup> In this case, the court can only propose the possibility of voluntary recourse to the procedure, leaving it up to the parties to decide whether they actually wish to make use of the mediation procedure. If they do, the agreement resulting from the mediation procedure may be set out in a settlement which, if the legal requirements are met, will constitute the basis for an amicable divorce.

The Civil Code has created the material legal basis for *the ordering of mandatory mediation in parental custody cases* in order to ensure the

---

<sup>31</sup> Lajos VÉKÁS – Péter GÁRDOS: *Great Commentary on the Civil Code, Great Commentary on Act V of 2013 on the Civil Code*, Wolters Kluwer, Budapest, 2021.

<sup>32</sup> See. Civil Code 4:22. §.

<sup>33</sup> See. Draft Act T/5949. on the Civil Code, explanation to Section 3:23. §, 546, available at: <https://www.parlament.hu/irom38/05949/05949.pdf>.

exercise of parental custody and the necessary cooperation.<sup>34</sup> According to the Draft Act T/5949 on the Civil Code, it is in the fundamental interest of the minor child that the parents decide by mutual agreement on the issues and future exercise of parental custody, since the individual needs and interests of the child are presumably best decided by his/her own parents.<sup>35</sup> However, long-term mutual cooperation between parents is particularly important in the exercise of parental custody rights, which can be based on an agreement between the parents.<sup>36</sup>

Draft Act T/5949 states that the main reason for ordering compulsory mediation is to ensure the best interests and balanced development of the minor child, and that in order to achieve this goal, all possibilities and means should be used to promote cooperation between parents.<sup>37</sup> To this end, the court may not only recommend but also, in justified cases, oblige the parties to mediate if any result is to be expected from the procedure or if the parties cannot agree on only one aspect of the matter and the subsequent and lasting cooperation of the parties is essential in the best interests of the child.

However, it is important to note that the domestic legislation on mandatory mediation does not oblige the parties to participate in the mediation procedure, but only to attend the first informative mediation

---

<sup>34</sup> See. Civil Code 4:172. §.

<sup>35</sup> See. Draft Act T/5949 on the Civil Code, Section 3:176. § 672.

<sup>36</sup> Erika BENKOVICSNÉ VARGA: *Judicial mediation in the practice of the Kecskemét Court, with special regard to the results achieved in mediation proceedings concerning parental custody*, Family Law, 2018/1, 34.

<sup>37</sup> See. Draft Act T/5949 on the Civil Code, 672.

session, where they are informed in detail about the essence, process and benefits of the procedure, and are free to decide whether to use mediation.<sup>38</sup>

Based on the substantive law and the explanatory memorandum, it can be concluded that the legislator's view is that mediation can be a suitable means of safeguarding the interests of the child, as opposed to litigation, where the interests of the child might be neglected due to the strict procedural rules.

Currently, under the substantive law in force, the court can only refer the parties to compulsory mediation in disputes over the exercise of parental authority. However, the possibility cannot be ruled out that the legislator may in the future extend the types of cases in which the court may order mediation.

### **C. Mediation in civil procedure**

The above changes in substantive law also necessitated changes in procedural law, so when drafting Act CXXX of 2016 on the Code of Civil Procedure (Civil Procedure), the legislator - as set out in its main regulatory objectives - paid special attention to the inclusion of mediation as an alternative dispute resolution forum in the judicial system. During the codification process, the legislator not only maintained the existing legal provisions, but also further developed the normative provisions encouraging the use of mediation.<sup>39</sup>

---

<sup>38</sup>According to international literature, we distinguish between the forms of mediation: voluntary, mandatory, and obligatory mediation. The Hungarian regulation is mandatory mediation.

<sup>39</sup>Adrienn NAGY: *Possible ways of resolving legal conflicts*, Miskolc Legal Review 2018/2, 57.

Same as above the course of the codification of the Civil Procedure, it was proposed that the mediation procedure should be mentioned both in the general and in the special procedures of the Civil Procedure Code.<sup>40</sup> It was also suggested that the possibility of introducing a new provision in the Civil Procedure "*Special Proceedings*" of the Civil Procedure should be supplemented by a new chapter entitled "*Conciliation in mediation proceedings*".<sup>41</sup> The working group on mediation set up for the codification of the Civil Code essentially proposed the implementation of these positions,<sup>42</sup> their integration into the civil procedure code,<sup>43</sup> which was ultimately ignored by the legislator so that the provision on mediation are scattered in the current Civil Code.<sup>44</sup>

The legislator has already introduced the possibility of "mediation" between the trial and the mediation procedure, which is included in the current Civil Code in the provisions on "*Attempting to reach a settlement in the trial and mediation procedure*",<sup>45</sup> and in the provisions on "*Attempting*

---

<sup>40</sup> The proposal was already raised during the codification works of the Kvtv. in connection with the legislator's intention to install the institution of mediation in the courts.

<sup>41</sup> Gyula BÁNDI: *Further development of the legal regulation of mediation*, Jogtudományi Közlöny, 2000/1, 19.

<sup>42</sup> András KÖRÖS: *Proposal for the amendment of Act III of 1952 on the Code of Civil Procedure in order to expand and effectively apply court mediation*. (Manuscript).

<sup>43</sup> Márta GYENGÉNE NAGY – Péter SZABÓ – Imre VARGA: *In or outside the Civil Procedure Code, or the place of mediation in procedural law*. In: NÉMETH János – VARGA István (eds.): *Foundations of a New Civil Procedure Code*, HVG-ORAC Publishing, Budapest, 2014, 606.

<sup>44</sup> See. Civil Procedure 86 § (5): on the failure to perform the mandatory mediation procedure; § 124 on the suspension of the mandatory mediation procedure; § 167 and § 168 on the attempt to reach a settlement with or without the mediation procedure; § 195 on the attempt to reach a settlement; § 238 on settlement.

<sup>45</sup> See Civil Procedure 195. §.

*to reach a settlement in the trial and information on the mediation procedure".<sup>46</sup>*

During the codification process, it was also proposed that the rules on the *summoning of a settlement attempt* should be amended to allow for the possibility of court approval of an agreement reached in the framework of an out-of-court mediation procedure. In addition, the legislator drafted additional provisions in the new Civil Code with a view to ensuring the effective implementation of the mediation procedure and its integration into the judicial system:<sup>47</sup>

- The emergence of exclusion rules in the procedural code;<sup>48</sup>
- Jurisdiction and competence in judicial mediation;<sup>49</sup>
- Suspension of the trial during the period of the ordering and conduct of compulsory mediation;<sup>50</sup>
- The judge's duty to inform;<sup>51</sup>
- The possibility for the court to approve an agreement reached in mediation and thus enforce the agreement;<sup>52</sup>
- Developing the mediation procedure and the rules for bearing the costs of litigation;<sup>53</sup>

---

<sup>46</sup> See Civil Procedure 238. §.

<sup>47</sup> Márta GYENGÉNE NAGY – András KÖRÖS: *On judicial mediation – for everyone, a manual for the peaceful settlement of legal disputes*, HVG-ORAC Publishing, Budapest, 2016, 153-154.

<sup>48</sup> See. Civil Procedure 12. § (e) point.

<sup>49</sup> See. Civil Procedure 167. § - 168. §.

<sup>50</sup> See. Civil Procedure 124. §.

<sup>51</sup> See. Civil Procedure 195. §; Pp, 238. §.

<sup>52</sup> See. Civil Procedure 195. §.

<sup>53</sup> See. Civil Procedure 86. §.

- In family law litigation, priority is given to the mediation procedure, and special rules are created.<sup>54</sup>

By integrating the mediation procedure into the civil justice system, the legislator has created the possibility of incorporating the institution of a flexible mediation procedure, which can be easily adapted by the parties, into the fixed and strict procedural order between the court, the judge and the parties. The creation of an appropriate regulation was particularly important because, in fact, in the judicial mediation procedure, the court provides the backdrop for the mediation procedure as a "service", since it is with the assistance of the judge that the parties are separated from the litigation procedure into the mediation procedure and then, whether or not it is successful, the parties return to the litigation procedure, which is considered to be the main procedure.<sup>55</sup>

### III. The evolution of court mediation: the Hungarian model

In accordance with the Mediation Directive, the Hungarian Parliament adopted the amendment to the Act on Mediation on 9 July 2012,<sup>56</sup> which was extended by a new chapter on 24 July 2012,<sup>57</sup> thanks to

---

<sup>54</sup> See. Civil Procedure 456. § (3).

<sup>55</sup> Márta GYENGÉNYÉ NAGY – Péter SZABÓ – Imre VARGA: *In or outside the Civil Procedure Code, or the place of mediation in procedural law*. In: János NÉMETH – István VARGA (eds.): *The foundations of a new civil procedure code*, HVG-ORAC Publishing, Budapest, 2014, 602-603.

<sup>56</sup> Act CXVII of 2012 on the amendment of judicial and administrative laws.

<sup>57</sup> Section 39 (2) of Act CXVII of 2012 introduced Chapter IV/A of the Civil Procedure Code.



which the special legal provisions on judicial mediation are now included in the Act on Mediation Chapter IV/A.<sup>58</sup>

Thus, the institution of mediation started to be integrated into the judicial system from 24 July 2012, with the introduction of the *court mediation procedure* and from 15 March 2014, with the introduction of the *compulsory mediation procedure*.

Neither the Act on Mediation, nor the applicable substantive or procedural code defines the concept of court mediation, and the rules of court administration only refer to the concept of *court mediation*: "court mediation proceedings are litigation or non-litigation proceedings (hereinafter referred to as the "main proceedings") indicated in the application for court mediation, and are classified as civil non-litigation proceedings for the purposes of registration by the court mediator."<sup>59</sup>

The President of the Hungarian National Office for the Judiciary has defined court mediation as "a non-litigious court procedure in which the parties involved in a dispute attempt to resolve the conflict between them in an alternative conflict management or dispute resolution procedure in connection with the litigation or non-litigation proceedings pending before the court (the "main case"). The purpose of mediation is to enable the parties to reach a written agreement about the dispute, based on a voluntary decision of the parties. The mediation process is conducted between the parties by a neutral third party, not involved in the dispute, a judicial secretary or a judge appointed for this purpose, professionally qualified to

---

<sup>58</sup> Orsolya ASBÓTH: *The legal institution of judicial mediation in the light of the data of the national and Győr Court of Justice*, Jog-Állam-Politika, 2024/4, 236.

<sup>59</sup> See. 14/2002 (VIII.1) on the rules of court proceedings, based on Section 75/A. (2) a).

conduct mediation and independent and impartial in this activity, bound by confidentiality."<sup>60</sup>

The first step to integrate the legal institution of court mediation into the civil justice system was the creation of an appropriate legal framework.<sup>61</sup> However, in order to establish an independent legal institution and to ensure its effective functioning and operation, it is necessary to create not only the legal conditions but also the specific *objectives, methods, personnel, material and procedural conditions*.<sup>62</sup>

As of 15 March 2014, the activity of court mediator may be conducted by the judge, judge on secondment and court secretary appointed as mediator. The appointment of a court mediator is proposed by the President of the Tribunal, addressed to the President of the Supreme Court, who decides on the appointment of the proposed person. One of the explicit objectives of the National Office for the Judiciary was to ensure that prospective court mediators acquire the necessary knowledge and qualifications to become court mediators by completing accredited training in a professionally quality-assured subject matter, identical to that of out-of-court mediators.<sup>63</sup>

---

<sup>60</sup> Report of the President of the National Judicial Office for 2015, National Judicial Office 2015. 74-75.

<sup>61</sup> Katalin TURCSÁNNÉ MOLNÁR: *Judicial mediation in Hungary from the beginning to the end of 2019* In: Judit GLAVANITS (ed.): *Judge and mediator – selected studies on the theoretical and practical issues of the mediation procedure*, Universitas - Győr Nonprofit Kft., 2020, 16.

<sup>62</sup> At the international conference entitled "Mediation in our country and in Europe" organized by the National Judicial Office on 5-6 May 2016, Katalin TURCSÁNNÉ MOLNÁR: *The Hungarian model of judicial mediation*.

<sup>63</sup> Katalin TURCSÁNNÉ MOLNÁR: *Judicial mediation in Hungary from the beginning to the end of 2019*, 17.

The President of the National Office for the Judiciary has set a target of having a designated court mediator in every court in Hungary with seven or more authorised judges.<sup>64</sup> At present, there are 117 court mediators in the jurisdiction of two courts<sup>65</sup> and 20 courts.<sup>66</sup>

The creation of the necessary material and procedural conditions for the implementation of court mediation was also a major challenge, as the design of courtrooms was fundamentally inadequate to provide the necessary communication and physical environment for mediation proceedings. Mediation requires a welcoming environment, of an appropriate size and equipped to allow for smooth communication and cooperation between the parties and the mediator.<sup>67</sup>

To this end, in 2015 the President of the Supreme Administrative Court launched a call for tenders for tangible assets for courts with a larger number of judges. The aim of the tender was to create the infrastructural and operational conditions for mediation. To be awarded the grant, the courts had to commit not only to providing the necessary equipment but also to maintaining staffing conditions, such as the availability and proportionate workload of mediators. The programme has contributed to the creation of autonomous, modern mediation rooms in the courts, thus facilitating the

---

<sup>64</sup>OBH: Judicial mediation as an effective alternative dispute resolution – More and more agreements are being reached within the framework of mediation procedures, (Source: Jogi Fórum), available at: <https://www.jogiforum.hu/hir/2014/02/25/birosagi-kozvetites-mint-hatekony-alternativ-vitarendeze-egyre-tobb-megallapodas-szuletik-mediacios-eljaras-kereteben/> (access date: 2025.04.15).

<sup>65</sup> The Debrecen Court of Appeal and the Metropolitan Court of Appeal.

<sup>66</sup> Official website of the Courts of Hungary, available at: <https://birosag.hu/ugyfeleknek/birosagi-kozvetites/birosagi-kozvetito-kereso>.

<sup>67</sup> Zsuzsa LOVAS – Mária HERCZOG: *Mediation, or painless conflict management*, Wolters Kluwer, Budapest, 2019, 66-69.

more efficient functioning of mediation procedures.<sup>68</sup> High quality professionalism is a prerequisite for the effective functioning of the mediation model, which can only be maintained through continuous training and education, which required the development of an appropriate training and education system. From the very beginning, the President of the National Office for the Judiciary has paid special attention to the high quality of the professional training of court mediators.

The provision of personnel for mediation procedures was primarily achieved through accredited basic training courses, while the National Office for the Judiciary also supported further training courses tailored to different target groups, thus strengthening professional development and the uniform quality of mediation activities. The 60-hour basic training courses organised in the courts build on the existing competences of judges and secretaries and the specific methodology has an impact not only on the work of judges but also indirectly on clients.

Experience has shown that the legal qualifications of judicial secretaries and court clerks, as well as their communication experience gained through regular contact with litigants, have provided an excellent basis for learning the skills of mediation. However, the different approaches and competences required for judicial and mediation work made it challenging to step out of the traditional judicial role.<sup>69</sup>

The legal institution of court mediation was introduced by the Hungarian legislator in 2012, but the necessary conditions for the operation of the procedure were provided at the national level in 2014, so the first

---

<sup>68</sup> Katalin TURCSÁNNÉ MOLNÁR: *Judicial mediation in Hungary from the beginning to the end of 2019*, 18-19.

<sup>69</sup> Katalin TURCSÁNNÉ MOLNÁR: *Judicial mediation in Hungary from the beginning to the end of 2019*, 19-22.

court mediation procedures were conducted in 2014. The following section will present the practical experience of Hungarian court mediation.

In the Hungarian law, mediation is generally a voluntary procedure, the purpose of which is to enable the parties to settle their dispute amicably instead of or during court proceedings. The court may provide information on the possibility of mediation at any stage of the proceedings, but participation is not mandatory and is based on the agreement of the parties. Court mediators are usually judges or judicial staff who have received special training and who act as intermediaries between the parties in order to bring the dispute to an amicable conclusion.

In the Hungarian model, however, there are exceptional cases where mediation may be ordered by the court, primarily in family law cases. Under Section 238 of the Civil Procedure Act, the court may suspend proceedings in cases concerning the exercise of parental authority and the arrangement of contact and order mediation between the parties. The purpose of this legal institution is to enable the parties to settle their dispute by agreement, putting the interests of the child first. Section 1(3) of the Act on Mediation states that mediation is essentially voluntary, but that legislation may provide otherwise.

In such cases, the judge decides at his or her own discretion on the necessity of mediation and informs the parties of the purpose, rules, and possible benefits of mediation. The ordering of mandatory mediation does not therefore mean that the parties are forced to reach an agreement, but that they are obliged to turn to a mediator and attend the first information session, where they will receive comprehensive information on the essence of mediation. The parties are then free to decide whether they actually wish to proceed with mediation. Legal literature often refers to this form as

"mandatory optional mediation," which promotes informed decision-making by the parties while maintaining the principle of voluntariness.<sup>70</sup>

If mediation is successful, the agreement reached by the parties may be approved by the court, thus becoming enforceable as a court settlement. If mediation does not lead to an agreement, the proceedings continue through the ordinary litigation process without adversely affecting the rights or procedural position of the parties. Mediation is therefore an integrated but voluntary alternative dispute resolution tool that complements court proceedings in the Hungarian justice system, with the aim of increasing the efficiency of litigation, strengthening cooperation between the parties, and reducing the burden on the courts.

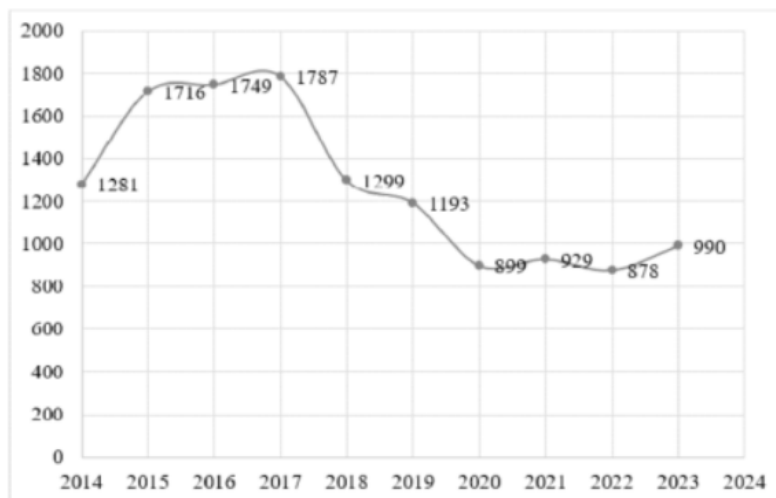
In summary, it can be said that the Hungarian model emphasizes the autonomy of the parties, while at the same time allowing the judge to order mediation in certain family law cases, thereby promoting the protection of the interests of the child and encouraging out-of-court settlements. This flexible solution makes mediation an integrated but essentially voluntary element of the court system, serving both the efficiency of the administration of justice and the goal of social peace.

---

<sup>70</sup> Adrienn NAGY: *Possible ways of resolving legal conflicts*, Miskolci Jogi Szemle, 2018/2., 59.

#### IV. National statistics on Hungarian court mediation

Based on nationally published data, the annual breakdown of the number of court mediations from 1 January 2014 to 31 December 2023 is as follows.



**Table 1:** Number of court mediation proceedings initiated nationally between 2014 and 2023<sup>71</sup>

The statistics cited show that while there was a steady increase in the number of court mediation proceedings between 2014 and 2017,<sup>72</sup> this growth wave faltered from 2018 onwards, followed by a significant decline in

<sup>71</sup> Orsolya ASBÓTH: *The legal institution of judicial mediation in the light of the data of the national and Győr Court*, 248.

<sup>72</sup> In 2014: 1281 cases; in 2015: 1716 cases; in 2016: 1748 cases; in 2017: 1787 cases.

2020.<sup>73</sup> In this context, it should be noted that the decline in the number of court mediation proceedings may be linked to the new Code of Civil Procedure that entered into force in 2018, which entailed significant changes for the legal practitioners and the parties involved in the litigation.<sup>74</sup>

In the years following 2020, the number of cases initiated per year will stagnate and the number of mediation proceedings initiated in 2023 will be slightly more than halved (990) compared to the previous total of 1,787 mediation proceedings requested in 2017, the highest number ever.<sup>75</sup>

The case flow data also show that by the end of 2023, a total of 13,000 parties involved in litigation will have been referred to a court mediator, which means that at least 26,000 parties involved in mediation proceedings, counting at least two parties per case, will have been directly informed of the proceedings, which can be considered significant.

---

<sup>73</sup> In 2020, only 899 cases were initiated.

<sup>74</sup> See Sections 21 - 23 of Government Decree 74/2020 (II.31.) on certain procedural measures applicable during the state of emergency, which relate to the omission of the hearing, the making of written statements, and the holding of the hearing via electronic communication network.

<sup>75</sup> Orsolya ASBÓTH: *The legal institution of judicial mediation in the light of the data of the national and the Győr Court*, 248.



Year	Total number of procedures	Number and proportion of procedures initiated voluntarily	Number and rates of national compulsory procedures
2017.	1787	1209 (67,6%)	578 (32,4%)
2018.	1299	891 (68,7%)	408 (31,3%)
2019.	1193	682 (57,2%)	511 (42,8%)
2020.	899	497 (55,3%)	402 (44,7%)
2021.	929	477 (51,4%)	452 (48,6%)
2022.	878	409 (46,6%)	469 (53,4%)
2023.	990	427 (43,2%)	563 (56,8%)

**Table 2:** Number of voluntary and compulsory court-ordered mediation procedures between 2017 and 2023, based on statistics.<sup>76</sup>

The table above summarises the number and the proportions of "voluntary request" and "court order" proceedings initiated nationally on an annual basis for the period from 1 January 2017 to 31 December 2023, based on the data available for the period from 1 January 2017 to<sup>77</sup> 2023. The proportion of voluntary proceedings is gradually decreasing, so that, based on the statistics for recent years, the number of voluntary and mandatory proceedings is converging. The number of court-ordered cases was the highest in 2017, while the ratio of court-ordered cases to voluntary cases was one of the lowest.

<sup>76</sup> ORSOLYA ASBÓTH: *The legal institution of judicial mediation in the light of the data of the national and the Győr Court*, 250.

<sup>77</sup> From the statistical data available to the OBH, the number of "voluntary" and "mandatory" procedures cannot be determined for cases before 2017.

## Summary

In the Hungarian legal system, the legal institution of out-of-court mediation and so-called in-court mediation has been established, and the study deals specifically with the legal institution of court mediation. The regulation of mediation in the Hungarian legal system has been incorporated through several pillars, first the Mediation Act regulated primarily the out-of-court mediation procedure, and later the rules of court mediation also appeared in the rules of civil substantive and civil procedural law.

According to the Hungarian legislation, the legislator gives priority to the mediation procedure in family law cases, and only in cases concerning parental custody does the legislator allow the court to order a mandatory mediation procedure, which serves the best interests of the child. Court-ordered mediation is therefore voluntary and available to the parties.

Based on a review of Hungarian legislation, in particular the Act on Mediation, Civil Code, and Civil Procedure, as well as Hungarian national statistics on court mediation, it has been established that court mediation as an alternative dispute resolution method is an established legal institution in Hungary and is part of the administration of justice. It should be noted that in recent years the number of compulsory cases has been higher at national level compared to the number of cases initiated voluntarily by the parties.

In conclusion, court mediation, by its diversionary nature, promotes the efficiency of the administration of justice and the conclusion of cases within a reasonable time. The advantage of court mediation is its speed - thanks to Hungarian legislation, the procedure is completed within one to two months, - the procedure is free of fees, less formalised, the final decision is based on the will of the parties, and in the case of a successful procedure, the court approves the settlement and the court settlement has the force of a judgment.

## Bibliography

- ASBÓTH Orsolya: The legal institution of judicial mediation in the light of the data of the national and Győr Court of Justice, *Jog-Állam-Politika*, 2024/4.
- BÁNDI Gyula: Further development of the legal regulation of mediation, *Jogtudományi Közlöny*, 2000/1.
- BENKOVICS NÉ VARGA Erika: Judicial mediation in the practice of the Kecskemét Court, with special regard to the results achieved in mediation proceedings concerning parental custody, *Family Law*, 2018/1.
- FÜRJES Balázs – András KRÉMER – Éva SOMODI (eds.): The relationship between mediation and court proceedings in Hungary, Evaluation of the 2009/2010 pilot court mediation programme, Budapest, 2010, 23.
- GYENGÉNÉ NAGY Márta: The impact of the EU regulation on mediation on the Hungarian codification of procedural law, *Magyar Jog*, 2016/5.
- HERCZOG Mária – Zsuzsa LOVAS: Mediation, or painless conflict management, Wolters Kluwer, Budapest, 2019.
- KIRÁLY Lilla: The birth of the new Hungarian civil procedure code and its latest rules, *JURA*, 2017/2.
- KIRÁLY Lilla: The regulation of the new Hungarian Civil Procedure Code in relation to the preparation of the lawsuit and the taking of evidence in the light of continental and Anglo-Saxon legal systems, *PRO PUBLIKCO BONO - Hungarian Public Administration*, 2019/2.
- KÖRÖS András – Márta GYENGÉNÉ NAGY: On judicial mediation – for everyone, a manual for the peaceful settlement of legal disputes, HVG-ORAC Publishing, Budapest, 2016.
- KÖRÖS András: Proposal for the amendment of Act III of 1952 on the Code of Civil Procedure in order to expand and effectively apply court mediation. (*Manuscript*).

- NAGY Adrienn: Possible ways of resolving legal conflicts, *Miskolc Legal Review*, 2018/2.
- PANTILIMON Árpád Ikhárd: Reform of the Romanian Civil Procedure Code In: HARSÁGI Viktória (ed.): Central European Civil Procedure Law Reforms and Codifications in the Last Quarter Century - Tradition and Renewal, Study Volume, HVG-ORAC Publishing House, Budapest 2014.
- SZEKERES Diána: At the Gate of Court Mediation, *Applied Sciences Forum II*, Budapest School of Economics, Budapest.
- TURCSÁNNÉ MOLNÁR Katalin: Judicial mediation in Hungary from the beginning to the end of 2019, In: Judit GLAVANITS (ed.): Judge and mediator – selected studies on the theoretical and practical issues of the mediation procedure, Universitas - Győr Nonprofit Kft., 2020.
- VARGA Imre – Márta GYENGÉNÉ NAGY – Péter SZABÓ: In or outside the Civil Procedure Code, or the place of mediation in procedural law. In: NÉMETH, János – VARGA, István (eds.): *Foundations of a New Civil Procedure Code*, HVG-ORAC Publishing, Budapest, 2014.
- VARGA István – Tamás ÉLESS (eds.): *Expert proposal for the codification of the new Civil Procedure Code*, HVG-ORAC Kiadó, Budapest, 2016.
- VÉKÁS Lajos – Péter GÁRDOS: *Great Commentary on the Civil Code, Great Commentary on Act V of 2013 on the Civil Code*, Wolters Kluwer, Budapest, 2021.