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ADMINISTRATIVE AND TAX PRINCIPLES: A COMPARATIVE ANALYSIS FROM A HUNGARIAN PERSPECTIVE

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Abstract

Since the separation of general administrative and tax administration procedures in Hungary, fundamental principles have been given particular emphasis in all areas. Although the General Administrative Procedure Act aimed to streamline processes and reduce the volume of regulations, it nevertheless placed significant importance on these principles, some of which are derived directly from the Fundamental Law of Hungary. The entire tax administration procedure is also permeated by an emphasis on these principles. This study compares the fundamental principles of the two areas. To this end, it first presents the general functions and common theoretical framework of the principles, then systematically examines the principles of both procedural regimes and finally draws conclusions from the comparison.

Key words: *function of principles, principles of administrative procedure, principles of tax procedure, procedural rights, administrative procedure.*

INTRODUCTION

One of the main functions of principles is to promote the understanding, proper interpretation and application of legislation, but in certain cases they may even fill gaps in the law, which may result in the modification or even undermining of the rules of positive law (Kilényi, 1970, 7-8). Additionally, due to their long historical development (Varga-Patyi, 2019, 89–157), principles now play a significant role in internationalisation (Árva, 2018).

It is important to note that the fundamental principles form a consistent whole within the legal system. While it is generally the theoretical basis of the

regulations that determines their content and specifies their characteristics rather than the differences between the principles, it is nevertheless worth reviewing the principles below.

It is also important to note the increasingly prevalent legislative technique that pays particular attention to the hierarchy of legal sources. According to this technique, if a higher-level legal act establishes a generally applicable principle, it does not need to be repeated 'word for word' in the given 'subject-specific' legal act at a lower level, but rather it can be 'derived' from the higher-level act. 'Subject-specific' legislation can therefore be derived from it. Thus, it can be concluded that there are general principles and those found exclusively in administrative and tax administration procedures, the latter being fundamental procedural rights and obligations.

Without an understanding of the basic principles and fundamental procedural rights and obligations, the 'spirit' of legislation, including administrative and tax legislation, cannot be grasped. Their purpose is to link the provisions of the legislation in question to the Fundamental Law of Hungary. They are binding on everyone and must be applied alongside the relevant rules in each procedure; in other words, they have normative content. In terms of content, they always take precedence over detailed rules and also set limits on their application. Failure to take into account the principles set out in the basic principles when conducting proceedings may affect the legality of decisions and lead to legal action being taken.

This is why it is important to clarify the system of principles, as well as the relationship between administrative and tax administration principles and fundamental procedural rights and obligations, during the research. This should highlight those that were incorporated into the legislation after 1 January 2018.

Although administrative procedural codes have always contained provisions on fundamental principles, tax administration legislation has not. The following analysis of the current procedural codes compares the 'fundamental principles', seeking to answer the question of whether it is justified to regulate the fundamentals of tax administration procedures in a separate code based on different principles.

It is also important to highlight the unique situation that arose after 1 January 2018. The legislator adopted a solution that departed from the previous regulatory concept of tax administration. From now on, the rules governing tax administration procedures will be found in Act CLI of 2017 (hereinafter: Air.), Act CL of 2017 (hereinafter: Art.), Act CLIII of 2017, and certain substantive tax laws. Two of the aforementioned laws are particularly noteworthy.

Two of the laws mentioned in the previous paragraph are particularly noteworthy. One is Act CLI of 2017 (Air.), which is a general law applicable to tax administration as a whole. This includes not only the procedures of the state tax and customs authorities, but also those of the municipal tax authorities, as set

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out in Section 5 of Act CLI of 2017. Its primary purpose is to provide a consistent framework for the rules and provisions of tax administration. The legislator's aforementioned decision to separate tax administration from general public administration was undoubtedly welcome, as it served to simplify matters. However, in my opinion, this positive effect was unfortunately undermined, as the other piece of legislation — the new Art. — was created in parallel with the Air, thus 'splitting' the basic tax administration rules into two laws. Consequently, the plan and concept of a completely 'unified' tax administration procedural code could not be realised.

The new Art. contains detailed rules on tax administration and related provisions on individual legal institutions and procedures, but these are also procedural in nature. It is therefore clear that, since 1 January 2018, there have been two basic laws relating to tax administration, which together form the basis for and provide the framework for tax procedures (*Kővágó, 2017, 2*).

Additionally, it is important to note that it is difficult to determine the relationship between the two pieces of legislation in legal terms, i.e. which is the general rule, and which is the special rule. This section will analyse the principles, fundamental procedural rights and obligations, and the comparison with the General Administrative Procedure Act (*hereinafter: Ákr.*) will be analysed in relation to the Air.

I. BASIC PRINCIPLES OF ADMINISTRATIVE PROCEDURE

I.1. The system and role of the basic principles of administrative procedure

Legal principles and general legal principles are generally applicable in European Union (*Árva, 2005, 21-32*) and Member State laws. These laws formulate legal provisions at a general level that can be used to assist with specific individual cases.

The legal principles applicable in public administration include the binding nature of public administration, proportionality, legal certainty, protection of legitimate interests, prohibition of discrimination, fair administration, effective enforcement, legal remedies and contractual and non-contractual liability.

These basic principles impose requirements on the administrative authority and can be invoked independently. This normative system of rules provides guidance on the interpretation of individual provisions and is intended to inform legislation and the application of the law by the authorities. It should also be noted that the legal development work of administrative courts is setting new standards for the legal practice of administrative authorities (*Barabás, 2013*).

In connection with the declaration of the basic principles at the legislative level, Act IV of 1957 on the general rules of administrative procedure was amended and consolidated by Act X of 1981, which came into force on 1 January 1982. This act was subsequently amended by Act LXXXVII of 1981. Act I of 1981, which came into force on 1 January 1982, summarised the basic principles

of administrative procedure in Section 2 in order to promote the uniform and effective application of the law.

The Fundamental Law of Hungary granted constitutional status to certain administrative principles, including those relating to administrative authority procedures (*Patyi & Varga, 2019, 168–169*). One such principle is the right to proper administration, as defined in Article XXIV of the Fundamental Law. According to this article, everyone has the right to have their affairs handled by the authorities without partiality, fairly and within a reasonable timeframe. The authorities are legally required to justify their decisions. Everyone has the right to compensation for damage unlawfully caused by the authorities in the performance of their duties, as defined by law.

Section 1 of the Ákr. clearly refers to this, stating that, in accordance with Articles XXIV and XXVIII of the Fundamental Law, all participants in administrative proceedings shall act in accordance with the applicable rules and apply the principles and basic rules set out in this chapter at all stages of the proceedings. It is important to emphasise in this context that the legislator places greater emphasis on the fact that these basic principles must be applied throughout administrative procedures and refers to their ultimate origin. This obligation applies not only to the authorities applying the law, but also to clients and other parties involved in the proceedings. The new Code of Administrative Procedure (Ákr.) therefore regulates these principles transparently so that all parties can clearly understand them. This legislative intent also demonstrates a commitment to 'service-oriented administration'.

It should also be emphasised that it is impossible to set out all the essential elements of the many types of procedure in a single law. Therefore, the drafters of the Act sought only to formulate the rules that are common to all procedures. They left the determination of necessary deviations and supplementary procedural rules to sector-specific legislation (*Boros, 2019, 35*).

The explanatory memorandum to the Act states that it reconsiders the system of administrative procedural law, breaking with the three-tiered regulation which, in addition to the generally applicable rules of the previous procedural law (hereinafter: 'Ket.'), permitted procedures excluded from Ket.'s scope, procedures conducted according to different rules and procedures to which Ket. applied only as background legislation. In contrast, the Ákr. specifies in detail the procedures to which it does not apply, including tax and customs administration procedures. This allows these laws to establish their own comprehensive procedural rules and system of principles. These include procedures which, by their nature, are governed by a specific set of rules that cannot be regulated by the rules of a general procedural law applicable to all other procedures. The special nature of tax and customs administration procedures, similar to the German field of law known as 'sui generis', is justified by the need to conduct these procedures using sui generis legal institutions, concepts, and procedural logic (*Hajas, 2016, 49*).

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During the codification process, the legislator relied on the traditional system of administrative procedural law principles. However, they also wanted to renew and reformulate this system. With this in mind, the Ákr. sets out the fundamental requirements and main principles that govern the authority's activities, emphasising that these activities are bound by law and that clients' interests must be upheld without harming the public interest.

The system of principles is also of paramount importance given the role of the principles. The Ákr. first declares that the 'system' and content of the principles must be expressed throughout the administrative procedure. It should be emphasised that the code imposes this quasi-obligation on all participants in the procedure. On the part of the authority, compliance with the principles primarily serves to protect the client (Patyi-Boros, 2012, 199–252). To facilitate this, the individual principles will be regulated separately, transparently, and in a list-like manner in the following sections.

Legal literature offers several solutions for grouping the Ákr.'s principles. This study discusses the principles in the order specified by the legislation, which lists them under the following headings:

- the principle of legality;
 - the principle of ex officio;
 - the principle of efficiency;
- Principles relating to the client;
- the principle of good faith; and
 - the principle of trust.

I.2. Certain fundamental principles of the Ákr.: the principle of legality

The essence of the principle of legality (Section 2 of the Ákr.) is difficult to grasp, but can be summarised by saying that the administrative authority is obliged to comply with, and ensure compliance with, the provisions of the law in the course of its proceedings. In theoretical terms, it is most closely related to the rules of official jurisdiction. Several other principles are closely associated with it, including the principles of exercising rights for their intended purpose, professionalism, simplicity, cooperation with clients, good faith, equality before the law, equal treatment, non-discrimination, conducting proceedings without bias, complying with procedural deadlines, and conducting proceedings within a reasonable time (Balogh-Békési, 2019, 28).

In essence, the principle of the proper exercise of rights stipulates that administrative authorities must exercise their powers within the confines of the law and must not abuse them. The proper exercise of rights is therefore closely linked to the prohibition of abuse of rights. Abuse of rights is a collective term. This is because it is impossible to provide an exhaustive list of the types of conduct that fall under this category due to the large number of procedures and laws involved.

The following section sets out a fundamental obligation for law enforcement authorities when exercising their powers. The concept of professionalism must include that of legality. For a procedure to be considered professional, it must comply with the provisions of the current legislation and assume its legality as a basic principle. In a broader sense, legality supplemented by the relevant procedural techniques is synonymous with professionalism.

The legal obligation of simplicity is embodied in the efficient organisation of public administration bodies, alongside modern management techniques and the use of modern technical tools. The latter primarily refers to the achievements of electronic administration, which the authority must utilise to organise its work as efficiently as possible.

Furthermore, it is crucial that all of this is carried out to the satisfaction of clients and other parties involved in the proceedings, while taking into account the unique characteristics of each case. Further consideration reveals the key point of cooperation with the client. Here, we must refer again to the change in concept, in which the legislator paid great attention to the equality of the parties involved in the proceedings and to developing the image of the authority providing the service. Section 6 of the *Ákr* emphasises the requirement of good faith together with the principle of trust, which I will discuss below.

The principle also encompasses the requirements of equality before the law and equal treatment. These give rise to two sub-principles: the prohibition of unjustified discrimination and the principle of impartiality. In this context, the legislator deviates from the aforementioned concept, which states that it is unnecessary to reiterate a general principle contained in a higher-level legal act (in this case, the Fundamental Law) in a lower-level legal act (*Ákr*). The principle of equality before the law is also set out in the opening sentence of Article XV(1) of the Fundamental Law. The same principle appears as a general clause on equality before the law in Article XV(2) of the Fundamental Law. The *Ákr* therefore emphasises this principle separately. According to this principle, the state may not discriminate between citizens in the same situation, either in legislation or in the application of the law (e.g. the functioning of public authorities), thereby expressing that the laws of the state apply equally to everyone.

The 'reasonableness' aspect is also important. Several factors, such as the nature and complexity of the case and the number of parties involved, may influence whether a procedure is considered to have been conducted within a 'reasonable time'. While it is difficult, and sometimes impossible, to define the exact duration of a reasonable time, perhaps the essence of it can be captured by saying that it is the shortest possible time interval, depending on the type of procedure in question.

I.3. Certain fundamental principles of the *Ákr*: the principle of *ex officio*

In administrative authority procedures, executive power is exercised in specific cases. To exercise this power, a "necessary and sufficient" legal

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framework must be in place. For this reason, the Ákr. explicitly states that the authority's procedure is *ex officio*.

The *ex officio* principle, or officiality, somewhat conflicts with procedures initiated upon request, but it must be clearly understood that the authority must also be present in these procedures. Furthermore, the contents of the request do not always restrict the authorities when exercising the available options in proceedings. There are two exceptions to this: proceedings that can only be initiated upon request cannot be initiated *ex officio*, and the restriction to the client's request means that the client cannot be granted anything not covered by the request.

The principle of *ex officio* applies throughout the entire procedure, meaning that the procedure can be initiated *ex officio* and the facts of the case can be established *ex officio*. The latter is related to the evidence phase and, as András Patyi and Zs. Varga point out (*Patyi-Varga, 2019, 174–175*), this is a specific element not found in civil or criminal proceedings. Certain legal remedy procedures and instruments may also be initiated *ex officio*, as may enforcement proceedings in certain cases.

I.4. Certain fundamental principles of the Ákr.: the principle of efficiency

The two main components of the principle of efficiency are cost-effectiveness and the requirement for proceedings to be concluded swiftly. These two components are closely interrelated. Zs. Varga and András Patyi (*Patyi-Varga, 2019, 204*) consider this principle to be part of the right to a fair trial.

Efficiency measurement (which focuses on optimising the relationship between costs and revenues in a given activity) is an achievement and corollary of the modern state and democracy. In public administration, it involves critically evaluating and measuring the cost/benefit ratio of 'public services'. In public administration, we can distinguish between external efficiency, which is a ratio derived from a comparison of work expended and results relating to performance evaluation, and internal efficiency, which relates to internal rules of procedure, work schedules, organisational culture and structure, and document management systems.

I.5. Certain basic principles of the Ákr.: principles relating to the client

In terms of the applicable principles, the Ákr. sets out basic requirements for clients and other participants in proceedings. On the one hand, there are the so-called active rights, such as the right to make statements, the right to comment and the right to information (*Balogh-Békési, 2019, 31–32*), which require interactivity on the part of the client. On the other hand, clients can learn about and exercise their rights and obligations 'from within the line of defence'. If these requirements are not met, the acting authority can be held accountable. It is worth mentioning that, in addition to the right to make statements and access relevant case-related information, clients may dispose of their statements. However, the right to refuse to make a statement has not been declared at the level of fundamental principles

(Árva, 2019, 11–13). The rules of language use can also be mentioned here. Although these are not included in the principles, they still apply to the client (Gerencsér, 2017, 445–462). Administrative bodies are also liable, as mentioned by Patyi András and Varga Zs. (Patyi-Varga, 2019, 186), in connection with the principles. However, this is not expressly included in the principles.

The principles outlined above can only be fully realised, however, if the administrative body acting on them also displays the partial principles that encourage action (i.e. 'promotes' or raises awareness of them).

I.6. Certain principles of the Ákr.: the principle of good faith and the principle of trust

The law emphasises the requirement for clients to act in good faith and cooperate. This principle originates from Roman law, as several administrative authors (e.g. Kilényi, 1961, 520; Balogh-Békési, 2019, 20) have pointed out. We can therefore speak of a principle attached to civil law. According to the generally accepted view today, a person acts in good faith if they are unaware of and could not reasonably be expected to be aware of, the contrary reality. Conversely, a person is considered to be acting in bad faith if they are aware of, or ought to be aware of, a reality that contradicts appearances. Administrative literature distinguishes between the narrower and broader meanings of the principle. In the narrower sense, a person is considered to be acting in good faith if they 'did not know that their conduct was unlawful for a justifiable reason and in a manner that cannot be attributed to them' (Balogh-Békési, 2019, 20). In a broader sense, the principle refers to the requirement of diligence and integrity, which can generally be expected and demanded of everyone. Another important message of this principle is that mutual and general cooperation between the parties is necessary to perform tasks effectively.

The principle embodies the fundamental social and moral imperative that no one should aim to deceive the authorities through their conduct. This is the only way to guarantee that proceedings are conducted on a factual and lawful basis, and that a 'fair' decision is reached where appropriate.

The basic principle also mentions the principle of trust, which assumes that the client is acting in good faith and to the best of their knowledge and conscience. The authority must prove the contrary. When regulating the principles of good faith and trust, the Ákr. uses the term 'all participants' rather than 'other participants in the proceedings'. This emphasises that the basic principle applies to all participants in the administrative procedure, including the authorities contacted or involved in the procedure, where applicable.

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II. THE PRINCIPLES OF TAX ADMINISTRATION

II.1. The system of fundamental principles of tax administration

With regard to tax administration procedures, it can be stated that the relevant special rules were re-established at the legislative level after the repeal of the old Art. 1868 came into force on 1 January 1991.

According to the detailed justification of the law, under the heading 'Principles', the law outlines its purpose and the specific principles that underpin the entire orderly process of taxation. It is unnecessary here to regulate general principles and requirements of law enforcement, such as the right to a legal remedy, the right to use one's native language, or the requirement for proceedings to be conducted expeditiously.

As the rules of the former Act (Áe.) were to continue to apply in tax matters, the old Art. only contained principles in its introductory provisions, setting out requirements to be applied at all stages of the taxation process.

Certain constitutional principles and other general legal principles have specific features in the field of taxation by their nature. Of course, fundamental provisions are not only contained in the introductory provisions; many other provisions also have a guaranteeing significance, such as the rules on tax secrecy.

These principles were also adopted by Art., which came into force on 1 January 2004. As its detailed justification emphasised, in addition to the points made in the previous paragraph, the principles established in the course of taxation and tax collection had stood the test of time as they had not been amended in the previous 13 years, only being supplemented by new ones.

As explained above, the Administrative Procedure Code (Ákr.) lost its legal basis on 1 January 2018, meaning that only the Air. is applicable in tax administration procedures. For this reason, the Air. must provide exhaustive provisions on the normative requirements to be followed when applying the law, on which the procedures may be based.

As an independent procedural code, the Air. comprehensively regulates the basic principles in a *sui generis* manner, in the absence of underlying legislation. It contains all the basic principles applicable to tax administration procedures in terms of procedural law.

Under the heading 'Principles', the Air sets out normative requirements applicable to the tax authority, taxpayers, and other participants in the procedure. These requirements must be followed by all parties throughout the application of the law and at all stages of the procedure. Some principles express the rights and obligations of taxpayers or other participants in the procedure, while others embody general legal principles relating to the exercise of the tax authority's powers (Cîrmaciu, 2010, 95; Cîrmaciu, 2024, 559). The principles of tax administration can be classified in several ways. In his study, Péter Bordás (Bordás, 2025, 18) mentions that a distinction can be made between socio-

political and legal principles, as well as constitutional, substantive, and procedural principles, similar to administrative procedural law.

The Air. specifies the following principles in a separate provision:

- the principle of legality,
- the principle of professional and efficient procedure,
- the prohibition of discrimination and "partiality",
- the principle of individual assessment,
- the principle of fair procedure,
- obligation to provide information, promotion of the exercise of taxpayers' rights,
- the principle of comprehensibility,
- requirement of good faith, principle of cooperation.

II.2. Basic principles of Air. principle of legality

The law expressly emphasises the principle of legality. On this basis, the tax authority and the taxpayer are both equally obliged to comply with the law. This means that the tax authority may only act in accordance with the provisions and procedures set out in the legislation. If it detects an error or omission by a taxpayer during its proceedings, it may only apply the legal consequences set out in the legislation; it may not act arbitrarily.

From the taxpayers' point of view, the basic principle also stipulates that they may only act within the framework set out in the legislation. In other words, they must pay particular attention to this when fulfilling their obligations and exercising their rights.

II.3. Certain fundamental principles of Air: the principle of professional and efficient procedure

This principle reflects the intention to reduce bureaucracy throughout public administration. The fundamental objective is to ensure that tax procedures are organised and conducted in a way that minimises the administrative burden and associated costs for both the tax authority and the taxpayer. It is also important to emphasise that, in accordance with this principle, the authorities must not exceed the limits of legality and professionalism.

II.4. Certain principles of air: prohibition of discrimination and 'partiality'.

Both positive and negative discrimination are prohibited by law. Based on this general principle, the tax authority is obliged to act without discrimination. This does not conflict with the exercise of fairness if the law expressly authorises the tax authority to apply it. Csaba Szilovics (*Szilovics, 2018, pp. 235–236*) links this principle to the principle of fair procedure, discussing the prohibition of discrimination within its framework. He also notes that Article 24 of the OECD Model Convention (*Szmicsek, 2012, 421–447*) defines the principle of non-discrimination in taxation, which applies to both domestic and foreign taxpayers.

II.5. Certain principles of Air: the principle of individual assessment

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The Air introduces the principle of individual assessment as a new fundamental principle. One of the fundamental tasks of the tax authority is to gather all the necessary evidence to decide on a given case. The authority must then evaluate the evidence according to its weight, carefully and thoroughly considering the specific circumstances of the case and clarifying the facts before making a well-founded decision.

II.6. Basic principles of Air: principle of fair procedure

The law establishes fairness as a general procedural norm. This emphasises the importance of thorough and factual case management when interpreting and enforcing legal provisions uniformly. The new sections 198–201 also refer to fairness, demonstrating the interdependence of the two tax procedure codes and referring back to the previous principle. At the same time, they create the possibility for the tax authority to 'compensate' for the strictness of the law in individual cases, provided that the conditions are met.

II.7. Certain fundamental principles of Air: the obligation to provide information and the promotion of taxpayers' rights

This principle is very important as part of the new legislative concept, as the service-oriented tax authority must provide taxpayers with adequate information to promote and support their lawful behaviour and compliance. The law also stipulates that the tax authority must issue warnings. This ensures that taxpayers can exercise their rights under the law and is therefore an important part of taxpayer rights. Csaba Szilovics points out that it is a complex right in which the operation of the tax office is manifested through cooperation with the taxpayer and the aforementioned obligation to provide information (*Szilovics, 2018, 230*).

Taxpayer rights also include protection of tax secrecy and general rights unrelated to tax administration, such as the right to a legal remedy, fair procedure and prohibition of self-incrimination. The latter becomes particularly important in relation to criminal proceedings (*Árva, 2025, 7–21; Szilovics, 2018, 231–236*).

II.8. Certain fundamental principles of Air: the principle of comprehensibility

The emphasis on comprehensibility is important not only for tax authorities, but for almost all public authorities. Within the framework of tax administration, it ensures that the tax authority strives for comprehensibility and uses simple language when communicating with taxpayers during tax administration procedures. This principle goes hand in hand with the previous one, playing a key role when the tax authority provides information to taxpayers (e.g. on how and by when they must fulfil their tax obligations). As a result, the tax authority has a synthesising role: it must not only inform taxpayers of their legal obligations but also do so concisely. Interpreting tax legislation often requires special expertise, which is why the legislator could not formulate the requirement for 'simplicity' as a general expectation. However, 'clarity' is a

requirement and, at the same time, expresses the need for which the tax authority must comply in today's world.

II.9. Certain fundamental principles of Air: the requirement of good faith and the principle of cooperation

Exercising rights in good faith means taxpayers can use the options available to them under the law in a way that aligns with its purpose and content. In other words, taxpayers must exercise their rights in accordance with their intended purpose. Through their conduct, they must strive to fulfil their tax obligations appropriately and fairly in all aspects of tax administration procedures. This rule is particularly important in audits, where it helps to clarify the facts and provide evidence.

Within the framework of the obligation to cooperate, taxpayers must assist the tax authorities in performing their duties and must not hinder their implementation.

CONCLUSION

COMPARISON OF GENERAL ADMINISTRATIVE AND TAX ADMINISTRATION PRINCIPLES

The following quote serves to confirm the validity of this comparison: "Taxation and related phenomena are intrinsically linked to other branches of public administration and social phenomena and therefore can only be discussed in conjunction with them" (Hóman, 2002, 235).

Air. first contains the principle of legality, thus providing a framework for this chapter. This principle also appears in the Ákr, under the name of the principle of lawfulness. However, its content is somewhat different, as this requirement is imposed on the authority and also lists additional principles, some of which are regulated in separate points (the principles of efficiency, "cooperation" and good faith).

A comparison of the legal texts of the Air and the Ákr reveals that the Ákr's principles of legality, efficiency, good faith and trust can be likened to the Air's principles of legality, professional and efficient procedure, prohibition of discrimination and 'partiality', and the obligation of good faith and cooperation.

Regarding these fundamental principles, it should be noted that the Ákr. makes it the duty of the authority to cooperate with the client. The Air differs slightly in that it defines facilitating the tasks of the tax authority as the duty of taxpayers and other participants in the procedure.

The requirement to conduct proceedings within a reasonable timeframe, to utilise advanced technologies, and the principle of trust, which prohibits any conduct intended to mislead the authority or unnecessarily prolong the proceedings, are all provisions that are unique to the Ákr.

Unlike the Ákr., the Air does not stipulate the requirement of a simple procedure. However, this is offset by the new principle of comprehensibility,

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which has been in force since 1 January 2018 and is only included in the Air. This principle promotes the use of simple language in communication with taxpayers. The Air's obligation to provide information and the principle of promoting the exercise of taxpayer rights are comparable to the Ákr's customer-related provisions. Notably, the Ákr specifically mentions the customer's right to make statements and comments, unlike the Air.

Regarding the differences between the two codes' principles, it is worth noting that only the Air includes the principle of individual assessment, which requires the tax authority to make a decision based on establishing the true facts of the case. Furthermore, the Air also includes fair procedure as a special principle of tax administration.

However, in addition to the Air., the Ákr. contains principles that are not found in the former. One such principle is the principle of ex officio. The Ákr. also emphasises clients' right to make statements and comments, and it mentions the principle of trust, too.

When we compare the similarities and differences in the basic principles, we can conclude that, on the one hand, they arise from the fact that the Ákr. is a general law, while the Air. – in comparison, and in terms of its content – can be considered more of a lex specialis. Secondly, the basic purpose and objective of the codes differ. Regarding the latter, it is worth noting that the tax authority's primary task is to ensure the most comprehensive collection of budget revenues possible. However, the service-oriented nature of the tax authority can only be realised in certain areas, as debtors will never view the authority in this way during enforcement proceedings. For this reason, the primary legislative requirement is to 'strengthen' the service-oriented nature of the services provided to taxpayers. This difference can also be attributed to the fact that, as previously mentioned, the Ákr. makes it the authority's obligation to 'establish' cooperation with the client, whereas the Air. considers the facilitation of the tax authority's tasks to be the obligation of taxpayers and other participants in the procedure. This is based on the fundamental principle of self-assessment.

A key message of the basic principles is that they must be applied by all participants at any stage of the process. However, these principles also reflect and enforce constitutional and procedural values, the nuances of which are reflected in court practice.

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