HUNGARIAN REGULATION OF E-GOVERNMENT IN THE LIGHT OF EU LEGISLATION

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Abstract

E-government and electronic communication have been part of the Hungarian legal system for more than two decades. This paper describes the process by which these legal institutions have been shaped and developed through domestic legislation, in the context of the European Union's Information and Communications Technology and eGovernment policies. Since the Bangemann report in 1994, the European Union has given high priority to the development of e-public services and e-government, and this has placed a heavy burden on all Member States to implement the rules. In Hungary, the directed wayfinding started in the early 2000s, which, with some slowdowns, continues to this day. Two decades may not be a long time if we look at individual legal institutions, but in this case, it is a dynamic period full of paradigm shifts that justifiably deserves academic interest. In our study, we have broken down domestic regulation into six distinct periods, in parallel with EU regulation. If the application of domestic rules are taken into account and the results we have achieved in the use of e-services, it can be seen that we are still very far from even the EU average. We already have what appears to be a stable and coherent set of rules on which the environment of the e-services can be built, but we fear that this is still a very long way off.

Keywords: *public administration, e-public administration, e-government, regulated electronic administration services, electronic public services*

1. Introduction

We live in a digitalised age. Either we accept it or not, info-communication tools have transformed the way we live, whether it is a matter of social changes, or the everyday life of the individual. Not so long ago, if we wanted to know the cinema program we looked at the newspaper, we ordered pizza via a phone, we looked for a parking machine for parking, we usually used cash, and interacting with the administration meant queuing. Nowadays, when faced with these everyday tasks people instinctively reach for their mobile. We are no longer surprised that most services are available in the digital space, indeed we expect them to be available electronically. The path to this point varied considerably for each service, several solutions were the product of the need of the customers. There were areas where economy, transparency or convenience were the demanding factors, necessarily so, considering the underlying fundamental market interests behind these. But the governmental sector is different. In this area the need, the practicality, rationality in itself is not enough. For such a change to take place, there must be an active will on part of the legislature. The aim of this study is to present the steps taken for the codification of electronic public services in Hungary, and how these fit into the infocommunication politics of the European Union (EU). The scope of analysis is limited to legislation and did not involve strategies and other policies, which are not legally binding (Czékmann, Cseh and Veszprémi, 2020). Though these are important documents of this era, their substantive contribution to the development of the regulation of domestic information and communication technologies (Nastić, 2021, pp. 75-77 and Madzova, Sajnoski and Davcev, 2013, pp. 171-173) is questionable (Czékmann, 2020, pp. 45-46).

In the following, from the domestic electronic connections (Verebics, 2004, pp. 5-7) we have examined those in which a governmental official and a client had an interaction. These front-office relationships (Budai, Gerencsér and Veszprémi, 2018, p. 77) inherently differ from traditional administrative rules[1] in the specific rules governing contact. E-communication means the communication between the government (Government-G), the economic sector (Business-B), the civil sector (Civil-C) and non-governmental organizations (Non-governmental organisations-N) via infocommunication devices, of which

[1] The e-public services essentially meant the electronic management of traditional services, but the new digital solutions provided several options that were not available or explainable in the traditional services, thus new dimensions in administration have also been opened.

at least one actor is the government. E-communications is a primary part of the e-public services, and was the first to appear in regulation, which is why it is a priority. The two distinct types of contact are back-office communication (G2G), in which all participants are governmental officials, and front-office communication, where only one actor is a public authority and the other is from civil society, economic operators or non-governmental organizations. In line with the objective of the study, in the following, we concentrate on the front-office (G2X) relations. We will examine front-office communication (hereinafter: e-communication) as a legal instrument, indicating that this is only one aspect of electronic connections. Domestic regulation is divided into six distinct periods, set in parallel with the regulation of the EU as follows.

2. The first steps of electronic administration in Hungary (until 2005)

Two fundamental laws should be highlighted, which have been introduced into our legal system as we moved closer to the EU. One of these is the Act No. CVIII of 2001 on certain aspects of electronic commerce services and information society services (hereinafter: Ekertv.), which laid the ground rules for digital services and although its scope did not extend to judicial and administrative matters [Ekertv. Art. 1 para. 3], it can be seen as an important milestone. The other one is Act No. XXXV of 2001 on electronic signatures (hereinafter: Eatv.), which "created a general regulatory environment for electronic documents, furthermore introduced and regulated the so-called legal institute of electronic signature, creating a legislative environment conducive to further development and legal recognition." (Kovács and Molnár, 2013, p. 103) The EU fund of the Eatv. was Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a community framework for electronic signatures (Donchevska, 2020, pp. 80-81), the main provisions of which were enacted into law by the Parliament by deadline. After this, Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') was born, which, among others, arranged the rules of electronic commercial services. In Hungary, this was embodied in the Ekertv. Both Directives followed the launch of the "Europe at the Forefront of the Global Information Society: a continuous action plan" (Czékmann, Rító and Kiss, 2019, pp. 27-28), in view of the fact that, "potential Member States must harmonize their national rules with European Union law" (Totić and Brković, 2020, p. 62).

Besides that, Eatv. created a general regulatory environment for the management of electronic documents. Among its final provisions, it modified the law on administrative procedure [Eatv. Art. 31] and provided the basis for

the electronic launch of company proceedings[2]. To the Act No. IV of 1957 on general rules of administrative procedure (hereinafter: Áe.) as of 1 September 2001, allowed for the possibility of submitting an electronic application [Áe. Art. 16 para. 1] and receiving the decision electronically [Áe. Art. 45 para. 1]. This was therefore the first point at which customers were given the opportunity to to use certain front-office procedures online. This was only the first step in making the whole administrative process electronic, though the legislature has introduced new provisions concerning the starting and ending points of the procedure, which have not been used before.

From this era, in addition to the general administrative procedure, another specific procedure should be named as well: the tax administration procedure. In this procedure, the taxpayer was who, in certain cases, had the opportunity or the obligation to fulfill their tax declaration and reporting obligations electronically. The Act No. XCI of 1990 on taxation regime (hereinafter: Art 90.) gave taxpayers the possibility, as a general rule, to submit their notifications, returns and data electronically, but the tax authorities could decide whether this obliges a specific taxpayer or a group of taxpayers to fulfill their obligations electronically [Art90. Art. 96 para. 6]. The Act No. XCII of 2003 Law on taxation regime (hereinafter: Art 03.) states that priority taxpayers and the 3000 taxpayers with the highest tax performance have an obligation to fulfill their tax declaration and reporting obligations electronically from 1 February 2004 [Art 03. Art. 175 para. 9]. The range of taxpayers for whom electronic taxation has become an obligation has been steadily expanding. This was already foreseen in the Art. 175 para 13 of the Art03. From 1 January 2005, a taxpayer not covered by para 9 may electronically submit his or her tax declaration and data reporting obligations to the state tax authority using the identification procedure provided by the tax authority.

3. Increased possibilities for electronic administration (2005-2009)

In the previous section, we referred to the electronic possibilities provided for in the Áe., whose rules were not amended until the repeal of the Act (1 November 2005). Still covered by the Áe., the new law on the official procedures was codified in 2004, which among others already regulated the electronic procedures in the administrative procedure. But the Act No. CXL of 2004 on the General Rules of Administrative Procedure and Services

[2] Art. 32 para 1 of the Eatv. Art. 22. para 5 of the Act No. CXLV of 1997 on company register, company disclosure and court company proceedings is replaced by the following: "(5) The application for registration and its annexes as an electronic document, can be forwarded to the companies court via a computer network. In this case the registry court registers the document in an electronic form."

(hereinafter: Ket.) only entered into force on 1 November 2005. The Áe. created the possibility of carrying out certain procedural acts relevant to the client electronically, but the detailed, technical rules of the e-administration were covered by the Government Order No. 184 of 2004 on eGovernment and related services, for example, registration required to open a client portal [Art. 7-9], electronic submission of a request [Art. 12], and notification of the decision [Art. 13]). The Ket. entered into force after accession to the EU, bearing the specificities of the Union's harmonization requirements.[3] A striking example of this is Chapter X. on electronic procedures[4], which was the first to provide for the possibility of using electronic means of communication in the administrative procedure. The Áe. provided for the electronic implementation of certain procedural acts.

The complex electronic administrative procedural regulation was hitherto unknown in domestic regulation, but not without precedent [Eatv.; Ekertv.; Government Order's No. 184 of 2004]. The Ket. named the notion of the electronic administration (the electronic handling of administrative procedures is the sum of content and form management workflows emerging in the meantime. [Ket. Art. 172 section a]) and electronic way (the carrying out of procedural acts by wire, radio, optical or other electromagnetic means for the processing, storage or transmission of electronic data. [Ket. Art. 172 section b], and opened the door for the use of electronic documents in public procedures, but it was only opened as a pretense, as the government and local governments [Ket. Art. 160 para. 1] got authorization to exclude certain matters from the procedures that can be managed electronically. In practice this has been the outcome in the vast majority of cases. The cause of this in general can be seen in the infrastructure and the lack of funds needed for its construction. Despite this, it was a step forward in the electronic delivery of procedural actions involving clients compared to the Áe., as there were already a number of electronic procedural acts (submission of the application, notification of the arrival of the application, summon, appeal, obligation of payment and payment of appeal duties, notification of a decision) affecting the client in the Ket.

This period also includes the clarification of the detailed rules concerning the front-office procedure of electronic administration, although

[3] In the EU the regulation of the e-government was primarily formed by the impact of the eEurope 2005 Action Plan (eEurope 2005: An information society for all an Action Plan to be presented in view of the Sevilla European Council, 21/22 June 2002 COM(2002) 263, final) and Decision No 2256/2003/EC of the European Parliament and of the Council of 17 November 2003 adopting a multiannual programme (2003-2005) for the monitoring of the eEurope 2005 action plan, dissemination of good practices and the improvement of network and information security (MODINIS).

[4] Government Order No. 184 of 2004 regulation is almost identical in substance to Chapter X. of the Ket. It was created to ensure that the provisions of Chapter X. of Ket. could be applied in the last few months of the Áe.

Chapter X of the Ket. and the interpretative provisions have settled a number of rules relating the electronic administration [Government Order No. 193 of 2005 on the detailed rules of the electronic administration]. The order provided, among other things, for the forms of procedural acts by electronic means and the rules on identification [Art. 2-11], the receipt of the customer's electronic submission, and the notification of the electronic document to the client [Art. 16-23], the fulfillment of payment obligations by electronic means [Art. 39].

4. The electronic company procedure (from 2006)

The introduction of the electronic company procedure was another milestone in the development of the electronic administration, because, for the first time, the legislature made a whole procedural system entirely electronic. In fact, the EU had created a legal harmonization imperative in 2003 by the Council's acceptance of Directive 2003/58/EC of the European Parliament and of the Council of 15 July 2003 amending Council Directive 68/151/EEC, as regards disclosure requirements in respect to certain types of companies, when it required member states to introduce electronic recording, reporting and processing of data. The directive contained a detailed regulation on the introduction of the electronic company procedures and electronic recognition of company documents by 2007. (Szilágyi, 2005, p.119) The scope of the directive was applicable to limited liability companies and public limited liability companies. Until 1 January 2007, these companies had to be able to submit their applications for company registration and registration of changes to the authorities electronically.

In Hungary Act No. LXXXI of 2003 on electronic company procedures and electronic recognition of company documents modified Act No. CXLV of 1997 on company register, company disclosure and court proceedings and made the e-administration available from 1 September 2005 (Mészáros, 2009, p. 166). The EU urged that bureaucratic burdens be cut further in order to boost competitiveness. As a result of this, the range of cases that could be managed electronically expanded. The Act No. V of 2006. on company disclosure, company procedure and voluntary liquidation (hereinafter: Ctv.), which entered into force on 1 July, 2006 made electronic company procedure optional for companies from 1 January 2007. In the beginning, the electronic and paper-based forms worked in parallel[5], but the first was of higher quality, since

[5] The zero step of the electronic company procedure was that the company documents could not be pinned or tied together when submitting (it constituted a formal error, if they were so submitted), because after submission the documents were scanned. As a next step from 2007 the possibility of uploading documents via an online interface appeared, but caused several technical problems, particularly the application of the XML interfaces. Thus the dominance of the paper based submission withheld,

electronic submissions allowed for simplified registration (which made company registration available with significantly shorter administration times). From 1 July, 2008, applications for company registration could only be submitted electronically. At the same time the previous obligation of the courts, that its decisions should be sent by post, was discontinued, except if the electronic transmission failed [Ctv. Art. 39/A para. 1].

5. Electronic public services and centralization (2009-2012)

The breakthrough in the development of electronic public services came with the 2007-2013 EU budget, and the related changes in the regulatory environment. The eEurope 2002 Action Plan (while maintaining its original aims) evolved into the eEurope 2005 Action Plan (Czékmann, Ritó and Kiss, 2009, pp. 29–30. and pp. 32–34). In line with the new budget objectives, the new budget has already set out the way forward and expanded content for the development of the information society in the form of the i2010 eGovernment Action Plan (Csáki, 2010, pp. 22-25). As well as being an opportunity, the EU's increasing commitment to the development of the information society has also become an obligation for Member States. As a result of this Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market was created, which has pushed Member States to produce new legislation in line with this directive. In Hungary it resulted in the rethinking of the public services, using the following principles, which also guide the legislation of the Member States: administrative simplification, right to information in e-administration, one-stop administration, proportioning procedural costs, acceleration of the procedure, optional e-administration (it could be changed at any stage of the procedure), protection of personal data and customer centricity. The public services were outside the scope of administration and the legislature decided on the creation of a comprehensive services law. The implementation of the Directive appeared in the Act No. LX of 2009 on electronic public services (hereinafter: E-közszolg. tv.), thus fulfilling its obligation of harmonization of laws.

The E-közszolg. tv. overruled the electronic procedural rules of Chapter X. of the Ket. (which were essentially technical), and, by creating its own terminology, opened the door which was only cracked open by the Ket. The electronic route was replaced by electronic public services, which allowed the use of the digital method more widely in the administrative procedure. Based on the law, electronic public services means the following: “electronic

ineffectively, the possibility of a simplified (theoretical) submission. The breakthrough appeared from 2008, when electronic administration became obligatory in company procedure. The e-company procedure user interface has also become more ergonomic, as it could also handle uploads in pdf format.

public service is the electronic provision of public authority or other activities and the provision of data from public authority records by public authorities or other organizations providing services by electronic means, in the manner regulated by this Act, using the central electronic service system" [E-közszolg tv. Art. 3 para. 1]. The law regulated the range of services via a regulatory framework and rather created a delimitation at a principled level, while the detailed regulation appeared in governmental orders. The government orders are as follows: Government Order No. 222 of 2009 on the operation of electronic public services; Government Order No. 223 of 2009 on the safety of electronic public services; Government Order No. 224 of 2009 on the identification of subscribers to the central electronic services system and on the identification service; Government Order No. 225 of 2009 on electronic public services and their use; Government Order No. 44 of 2005 on the coordination of government IT and related procedures; Government Order No. 194 of 2005 on requirements for electronic signatures and associated certificates used in administrative procedures and for certification-service-providers issuing certificates; and Ministry of Information Technology and Communications Order No. 13 of 2005 on the rules for making electronic copies of paper documents. The legislature's creation of a complex system of public services was forward-looking as it directed not only the administrative authorities into the use of electronics, but also the parties of the utility service providers and judiciary [E-közszolg tv. Art. 6 paras 1–3]. Unless otherwise stated by law or government order, administrative procedures, communications and other services were required to be implemented and accessible via the central system. The written contact between the legal representative, defender, the court, the prosecutor, and the investigative authority should be held electronically via the central system. The utility service providers also had the obligation to make their client services available via the central system.

Perhaps the expanding of the range of services to be provided electronically to this extent constituted to much self-confidence, as the needed infrastructure was clearly not available. The utility service providers were even able to build the infrastructure, but the courts could not keep up with expectations due to lack of resources. We will never know, how this system could have worked, as after governmental changes in 2010 the introduction of a new administrative organization model appeared, which buried the E-közszolg. tv.

6. Regulated electronic public services and decentralization (2012-2016)

After 2010 the general rules on administrative procedure were reviewed again under the Magyary Programme and by the end of 2011 all rules

concerning electronic administration was recodified. Act No. CLXXIV of 2011 on Ket. and certain related Acts, and certain Acts relating to the review of ministerial powers were amended, at the same time the E-közszolg. tv. was repealed, effective 1 April 2012. The Ket. did not contain technical rules anymore, these were set to the level of regulations. The government orders are as follows: Goverment Order No. 83 of 2012 on regulated eGovernment services and mandatory services to be provided by the state (hereinafter: Szeüszr.); Government Order No. 85 of 2012 on detailed rules of the electronic administration (hereinafter: Eürszr.); Government Order No. 84 of 2012 on designating certain organizations related to electronic administration. The new era started from April, 2012, replacing the highly centralized eGovernment organization, in place since 2009, with a liberalized, decentralized model that encouraged individual development and case- and customer-specific sectoral solutions. This new regulation was not the product of an EU implementation obligation, but part of the rearrangement of the domestic administration. It fits into the e-government tendencies of the EU, but not as a direct result of any EU legislation.

The 2012 legislation broke with the previous framework of regulation, and returned to sectoral regulation. Electronic communication became equal with the original written communication. Indeed, the authority, based on cost saving and efficiency, could prioritize the electronic procedure [Ket. Art. 28/A para. 3]. The client was entitled to contact the authority electronically under the conditions laid down by law, except, if this was conceptually unimaginable in the course of the contact [Ket. Art. 28/B para. 1].The client was, however, obliged to communicate electronically if this was required by law in a given case and in the course of a given procedural act [Ket. Art. 28/B para. 2]. The authority based on the exact request of the client and the electronic submission of the application, held the connection with the client electronically [Ket. Art. 28/B para. 4]. The regulation has therefore abandoned the previous generally mandatory electronic method and left its use to the discretion of the parties and the sectoral regulations.

The emergence of regulated electronic governmental services (SZEÜSZ) for public authorities has fundamentally changed the previous single system. “Regulated electronic governmental services were created, which were electronic services that the state itself intended to regulate and supply some of these. (...) The aim of the SZEÜSZ-system is for the public administration to function as a unified, harmonized system.” (Péterfalvi et al., 2014, p. 42) The SZEÜSZ is a modular system, which can be used as building blocks by the public administration authority developing its own procedures (Sántha, 2015, p. 74). “In line with the EU requirements it is a platform-independent and technology-neutral solution, i.e. it sets out the objectives and requirements to be achieved, and the implementation will be the task of the service provider, based on the parameters set” (Czékmann and Cseh, 2014, p. 139). The creation of the SZEÜSZ was in line with the post-2010 reforms, by which the

administrative procedure became more flexible, adaptable to the changed circumstances (Budai, Gerencsér and Veszprémi, 2018, p. 144), thereby delivering an increasingly high level of service.

7. The changes of the SZEÜSZ-system and recentralization (from 2016)

But the "legislative machine" has not rested, given the rapid technological developments of the 21st century and EU legislation [see.: Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (hereinafter: eIDAS-directive)]. A key reason for the future change in the regulatory environment was that the Government wanted to expend electronic administration, and aimed at pushing citizens, clients, state and non-state bodies providing services towards e-administration[6]. As a result of this public purpose (and the EU Digital Single Market concept (Czékmann, Cseh and Veszprémi, 2020, pp. 338–340)) Act No. CCXXII of 2015 on general rules for electronic administration and trust services (hereinafter: Eüsztv.) was born, some provisions of which entered into force in 2016 (several dates) and on 1 January 2017. The Eüsztv. contained detailed rules for electronic administration, electronic communications and the operation of bodies providing electronic administration.

The concept of the Eüsztv. partly reverts to the default position of the Act No. LXV of 2009, according to which the fixation of the rules of the e-administration is needed, therefore it returned to the centralized modell. (Czékmann, 2016, p. 88) Thus from 1 January, 2016 (*de facto* from 1 January, 2017) a unified, centralized modell again replaced the previous decentralized system (Budai, Gerencsér and Veszprémi, 2018, pp. 144-145). The Eüsztv. has opened the door to electronic administration to an incredible extent, even empowering customers to manage their administrative affairs fully electronically [Eüsztv. Art. 8 para. 1]. The Eüsztv. also brought significant changes in that the client's right to e-administration is primary. This right can only be limited in case of a high level of regulation and specific procedural acts. Furthermore, the Eüsztv. is similar to the E-közszolg. tv. in that its scope covers not only public authorities, but also the judiciary and utility service providers. As a result of this, it interprets the notion of the client as any person or other legal entity participating as a customer, party or subject of the procedure, other participant in the procedure, recipient of the service or their representative in a

[6] Point 67 of No. T/7392. law proposal on on general rules for electronic administration and trust services, general explanatory justification,

matter falling within the competence of an eGovernment body, who is not an eGovernment body and is not a member or employee of the eGovernment body acting in the matter [Eüsztv. Art. 1] more widely, which is as we are accustomed to use the term administrative procedures. Indeed, the Eüsztv. steps further, as it expands the possibility of e-administration to all sectors. The main difference between the models is that, while the E-közszolg. tv. imagined functioning in a unified, centralized system, the Eüsztv. intended the establishment of the public services on the basis of a market-based model of the SZEÜSZ (Budai, Gerencsér and Veszprémi, 2018, p. 145). This is also why the introduction of a new notion, that of centralized electronic administrative services (KEÜSZ), was needed. KEÜSZ is such an electronic service, which must be provided exclusively by the state through a designated service provider. As a result of this, in the scope of electronic administrative services, a dual mindset appeared.

Several provision of the Eüsztv. entered into force on 1 January, 2017, at the same time, the detailed rules on electronic administration were removed from the Ket. Entry into force of the Eüsztv. simplified Chapter X. of Ket. The new Chapter X. stated that the participants of the procedure are entitled or obliged to fulfill procedural acts electronically [Ket. Art. 160]. Art. 43 para 1 of the Act No. CXXI of 2016, on amending certain laws necessary for the establishment of a single electronic administration system, stated electronic means of communication as defined in the Eüsztv. are deemed to be written for the purposes of the administrative procedure. With the modification of these administrative procedural rules the legislature has already foreseen a new law on administrative procedures as one of the foundations for a new type of administration.

On 1 January 2018, Act No. CL of 2016 on general administrative procedure (hereinafter: Ákr.) entered into force, replacing the Ket., and taking forward the electronic administration agenda started several years ago. The provisions introduced in the Ket. are taken over by the Ákr., which advances to provisions of Ket., since it considers traditional written communication and electronic communication under the Eüsztv. to be equivalent in the context of written communication. For all types of cases, electronic administrative procedures are not yet a substitute for the non-electdronic procedure. It should be used in parallel, with the gradual promotion of electronic tools, until a fully electronic procedures are provided (H. Alidemaj and Haxhiu, 2022, p. 120). The new law also sets out that the client has the right to choose the form of communication [Ákr. Art. 26 paras 1–2].

According to the Eüsztv., the bodies providing electronic administration (e.g., public administration body, local government, National Office for the Judiciary and the courts, prosecutor's office, and notary) are obliged to provide the possibility of electronic administration [Eüsztv. Art. 2 para. 1] for their own services. Beyond the bodies specified in the interpretative provisions any legal entity could volunteer, if it fits the criteria, to provide electronic admoinistration.

In view of the broad coverage of the different spheres of administration advocated by the Eüsztv., let us turn to civil procedure law for a few thoughts. In Act No. III of 1952 on civil procedure, the possibility of the electronic communications was already enacted in 2009, but the dates of entry into force have been amended several times by the legislature, since the courts lacked the needed IT infrastructure (Wopera and Nagy, 2019, p. 152). The electronic communication for the domestic business entities and administrative bodies acting with a legal representative is obligatory from 1 July, 2016 though for a natural person acting personally electronic communication is only an opportunity. The codification of the Act No. CXXX of 2016 on the Code of Civil Procedure (hereinafter: new Pp.) was well underway when e-communication was used under the old Pp., and entered into force on 1 January 2018.

The new Pp. refers back to the rules of the Eüsztv. in several places, but does not repeat its the rules. The new Pp. mainly contains provisions to the party and its representative that is not obliged to communicate electronically [New Pp. Art. 605] but is obliged to maintain electronic communication with the legal representative of the party, business entity, the state, the local government, budgetary body, the prosecutor, the notary, public bodies and other administrative authorities [New Pp. Art. 608]. (Wopera and Nagy, 2019, p. 156) Along the civil procedure the criminal procedure Act No XC of 2017 on criminal procedure (hereinafter: Be.)] should be mentioned. This law is similar to the new Pp. in that it refers back to the main rules of communication of the Eüsztv [Chapter XXVII of the Be. (The electronic communication)], and regulates the rights and obligations of the parties not obliged to electronic communications [Be. Art. 149] as it had been already familiarized in a more detailed way in the civil procedure.

As we could see the Eüsztv obliged several bodies to provide the possibility of electronic communication. This, with the potential choice of contact routes, seems to blur the distinction between electronic means and other forms of communication at the procedural level. Encouraging e-administration is no longer a rarity and has found its place in the procedural orders. The summary table below indicates the legislative journey of governmental e-administration.

Table 1: The steps of governmental e-administration

	Legislation	EU background	Personal scope	Scope of application	*Front-office* procedure
Until 2005.	Áe. Eker. tv Eatv. Art90. Art03.	Europe at the forefront of the global information society: a continuous action plan Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures	Client Specific client: taxpayer	Administrative procedures (administrative case) Tax administration procedure	Opportunity at the administrative procedure At the tax administration procedure an obligation for certain categories of taxpayers, but beyond that it is only a possibility.

2005 – 2009	Áe. Ket. Government Order No. 184 of 2004 on eGovernment and related services Government Order No. 193 of 2005 on the detailed rules of the electronic administration	eEurope 2005: An information society for all An Action Plan to be presented in view of the Sevilla European Council, 21/22 June 2002 COM(2002) 263, final Decision No 2256/2003/EC of the European Parliament and of the Council of 17 November 2003 adopting a multiannual programme (2003-2005) for the monitoring of the eEurope 2005 action plan, dissemination of good practices and the improvement of network and information security (MODINIS)	Client	Administrative procedures (administrative case)	In the administrative procedure, an explicitly limited possibility.

From 2006	Act. No. LXXXI of 2003 on electronic company procedures and electronic recognition of company documents Ctv.	Council's acceptance of Directive 2003/58/EC of the European Parliament and of the Council of 15 July 2003 amending Council Directive 68/151/EEC	(Directly) companies (indirectly, but directly) attorneys	electronic company register	Initially an obligation only for limited companies and limited liability companies, later for all companies.
2009-2012	E-közszolg. tv.	Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market	Client Legal representative, defender Natural person, legal entity and organizations without legal personality	Administrative procedures (administrative case) Judicial, prosecutorial and investigative procedures Utility service providers	Mandatory in administrative proceedings, exceptionally exempted. Obligation for judicial actors and investigative authorities in proceedings (did not enter into force). Possibility in case of utility service providers.

2012-2016	Ket. Szeüszr. Eürszr. Government Order No. 84 of 2012 on designating certain organizations related to electronic administration Regulated by sectoral legislation	There is no direct EU background, first departure from EU rules, product of the domestic administrative reform	Client Natural person, legal entity and organizations without legal personality	Administrative procedures (administrative case)	Fundamentally, an option in the administrative procedure, but based on the provision of the law it can become an obligation.
2016-	Ket. Ákr. Eüsztv Old Pp. New Pp. Be.	eIDAS- directive	Client (Eüsztv.)	Administrative procedures (administrative case) Electronic communication with the courts	The legal representative of the party, business entity, the state, the local government, budgetary body, the prosecutor, the notary, public bodies and other administrative authorities For persons and bodies other than those mentioned above, electronic communication is an option.

Source: Author's editing

8. Final thoughts

If we look back over these two decades, we can see the dynamic legislative environment, the result of which is today's legislation. Uncertainty is present in every era. Even if the concept sometimes seemed clear at the level of objectives and principles, implementation was often overshadowed by the absence or failure of the regulation. It is therefore not surprising that many and varied modells appeared in the attempt to regulate the electronic administration, continuously adapting to the more determined EU guidelines, while integrating them into the domestic legal system. On the level of legislation it may be said that the process has reached its resting point with the current Eüsztv, but only one aspect was examined here. It can be also seen how the general electronic administration model was reached by the expansion of the scope of electronic administration, which defined the scope of those subject to electronic administration, such as business entities or legal representatives, on a subjective basis, making e-administration exclusive for them, with very few exceptions. If the application of these rules are taken into account and the results we have achieved in the use of e-services, it can be seen that we are still very far from even the EU average (DESI, 2022). We already have what appears to be a stable and coherent set of rules on which the environment of the e-services can be built, but we fear that this is still a very long way off.

The current regulatory environment, as presented, is the result of a multi-step process. The first steps started from the "computer in the office", i.e. device-based regulation model. This approach gradually changed and as the public administration became more and more customer-centric, so did the regulatory environment. The technology/device-based approach has been replaced by the service/application-based approach. In parallel, the IT infrastructure of the Hungarian public administration was developed, and the digital transformation of the processes was technically realized. As a result of these processes, it is no longer fiction to examine the system-level introduction of next-gen technologies such as artificial intelligence and blockchain technology. (There are already pilot practical implementations for both.) In another development, many new opportunities have opened up even before automatic decision-making, which has only been implemented in a relatively narrow circle. However, it is important to emphasize that these trends not only demand new competencies and infrastructures from the authorities but also present new challenges to customers. Considering the digital maturity of the Hungarian population and small and medium-sized enterprises (DESI, 2022), this promises to be a long process.

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