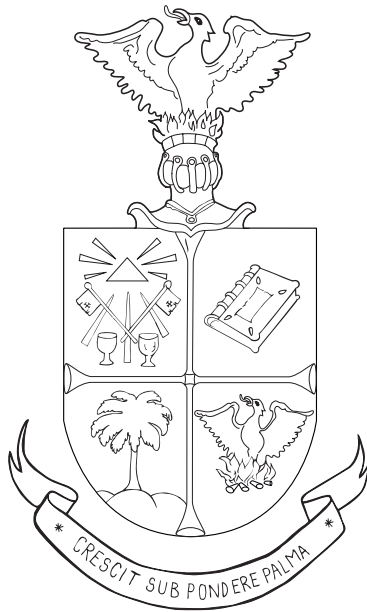


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THE SIGNIFICANCE OF THE HUNGARIAN COMMERCIAL CODE OF 1875 IN THE LEGAL SYSTEM OF THE INTERWAR CZECHOSLOVAK REPUBLIC¹

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Abstract

This article explores the legal status of the Hungarian Commercial Code (Statutory Article XXXVII of 1875) within the legal order of interwar Czechoslovakia. Following the reception of law and the emergence of legal dualism, this body of commercial legislation remained in force in Slovakia and Subcarpathian Ruthenia. Despite legislative efforts, interwar Czechoslovakia did not achieve a comprehensive unification of commercial law through the adoption of a single unified commercial code. On the basis of the foregoing, the article focuses on the commercial-law measures enacted during the interwar period and their analysis. The study is based primarily on an examination of original legal sources and parliamentary records relating to the adoption of the relevant legislation, complemented by both interwar and contemporary scholarly literature. The findings suggest that the interwar commercial legislation – often amending provisions of the Hungarian Commercial Code – served not only a unifying purpose, but also a subordinating one, intended to sever the commercial and legal ties of Slovak commercial actors with post-war Hungary.

Keywords: Czechoslovakia, interwar-period, commercial-law, reception of law, unification, subordination

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AZ 1875. ÉVI KERESKEDELMI TÖRVÉNY SZEREPE
A KÉT VILÁGHÁBORÚ KÖZÖTTI CSEHSZLOVÁKIA JOGRENDJÉBEN

Absztrakt

A jelen tanulmány az 1875. évi XXXVII. törvénycikknek, azaz a magyar kereskedelmi törvénynek a két világháború közötti Csehszlovákia jogrendjében betöltött jogi státuszát vizsgálja. A jog recepcióját és a jogi dualizmus kialakulását követően e kereskedelmi joganyag továbbra is hatályban maradt Szlovákia és Kárpátalja területén. A jogalkotói törekvések ellenére a két világháború közötti Csehszlovákiában nem valósult meg a kereskedelmi jog átfogó egységesítése egy kereskedelmi törvénykönyv elfogadásával. A fentiekre tekintettel a tanulmány a két világháború közötti időszakban elfogadott kereskedelmi jogi intézkedésekre összpontosít, és azok elemzését végzi el. A kutatás elsősorban az eredeti jogforrások, valamint a vonatkozó jogszabályok elfogadásához kapcsolódó parlamenti jegyzőkönyvek vizsgálatán alapul, amelyet a két világháború közötti, illetve a modern szakirodalom felhasználása egészít ki. Az eredmények arra utalnak, hogy a két világháború közötti kereskedelmi jogalkotás – amely gyakran módosította a magyar kereskedelmi törvény rendelkezéseit – nemcsak unifikációs célt szolgált, hanem alárendelő funkciót is betöltött, amelynek rendeltetése a szlovákiai kereskedelmi szereplők háború utáni Magyarországgal fennálló kereskedelmi és jogi kapcsolatainak megszakítása volt.

Kulcsszavak: Csehszlovákia, két világháború közötti időszak, kereskedelmi jog, jogreceptió, unifikáció, alárendelés

1. Introduction

The dissolution of the Austro-Hungarian Monarchy produced far-reaching consequences² in the successor states and posed a significant challenge for

2 See e.g. TOMÁŠ, Lukáš: *Zmeny v územnom usporiadaní diecéz v období medzivojnovej Československej republiky*. In: Štenpien, Erik – PIŠTEJOVÁ, Lucia – SVATUŠKA, Ivan (eds.): 1. svetová vojna a jej dôsledky v štátoprávnej rovine. Košice, Univerzita Pavla Jozefa Šafárika v Košiciach, Právnická fakulta, 2022, 370–380.; FICO, Miroslav: *Trestné činy úkladov o republiku podľa zákona na ochranu republiky z roku 1923*. In: Štenpien, Erik – SVATUŠKA, Ivan (eds.): 100 rokov Trianonskej zmluvy: diplomacia, štát a právo na prelome storočí. Košice, Univerzita Pavla Jozefa Šafárika v Košiciach, Právnická fakulta, 2021, 55–64.

their nascent legal orders. In the territories incorporated into the newly established Czechoslovak Republic, legal continuity was achieved by the reception of the existing law; in Slovakia and Subcarpathian Ruthenia this took the form of the continued applicability of legal norms originating in the former Hungarian legal order. This paper seeks to elucidate the significance (application and development) of the Hungarian Commercial Code (Statutory Article XXXVII of 1875) within the interwar legal order of Czechoslovakia and to analyse the domestic Czechoslovak commercial-law legislation adopted after 1918, which shaped the development of commercial law in the new state. The inquiry proceeds from the premise that, even in the sphere of commercial law,³ the Czechoslovak legislator pursued the broader objective of asserting and consolidating the authority of the newly formed state; this proposition constitutes the central hypothesis examined in the present study.

2. The state of the law after the establishment of Czechoslovakia

As indicated in the Introduction, following the establishment of the Czechoslovak Republic the guiding principle ensuring legal continuity was the reception of the pre-existing legal order. Its formal expression was the Act of the National Committee No. 11/1918 Coll. on the establishment of the independent Czechoslovak State. According to its preamble: "In order to preserve the continuity of the existing legal order with the new state of affairs, to prevent confusion, and to ensure an undisturbed transition to new state life, the National Committee, in the name of the Czechoslovak nation, as the executor of state sovereignty, hereby orders as follows." Article 2 of the Act subsequently provided that "all existing provincial and imperial laws and regulations shall remain, for the time being, in force." Although the Czech norm-maker evidently failed to explicitly refer to Hungarian legal sources (including customary law and the decisions of the Royal Curia)⁴, in practice the originally Hungarian legal

3 On the exercise of state power in the territories incorporated into the newly established Czechoslovak Republic, see, e.g. PANDY Dávid: *Niektoré dôsledky vzniku Československej republiky v regióne juhovýchodného Slovenska*. In: SVATUŠKA, Ivan – PIŠTEJOVÁ, Lucia (eds.): *Mílniky právneho vývoja v Európe po prvej svetovej vojne*. Košice, Univerzita Pavla Jozefa Šafárika v Košiciach, Právnická fakulta, 2022, 88–96.

4 LYSÝ, Miroslav et al.: *Slovenské právne dejiny II. Vývoj súkromného a trestného práva na Slovensku od najstarších čias po súčasnosť*. Šamorín, Heuréka, 2021, 45.

order⁵ remained applicable in Slovakia and Subcarpathian Ruthenia – territories incorporated into the Czechoslovak Republic – while in Bohemia, Moravia and Silesia the legal order of Austrian provenance continued to apply. In the sphere of commercial law, this resulted in the reception of two commercial codes: the Austrian Commercial Code No. 1/1863 and the Hungarian Commercial Code (Statutory Article XXXVII of 1875), both of which remained concurrently in force.

The ensuing condition of legal dualism constituted one of the most serious challenges for the newly established state, particularly in the context of building a unitary republic without any autonomous status for the territory of present-day Slovakia. Gábriš notes⁶ that “commercial law in particular, by virtue of its divergence in the western and eastern parts of the Republic, could hinder the country’s economic development.” Similarly, Salák argues⁷ that although the substance of the received regulation did not differ fundamentally (following the extension of the legislation on limited liability companies to Slovakia), even seemingly minor divergences generated practical difficulties. An institutional response to this undesirable situation – pursued through legal unification – was the adoption of Act No. 431/1919 Coll., which established the Ministry for the Unification of Legislation and the Organisation of Administration in the Czechoslovak Republic (the so-called ‘unification ministry’). As follows from the report of the Constitutional Committee on the proposed Act, the legislator did not intend unification to amount merely to a straightforward extension of Austrian law to Slovakia and Subcarpathian Ruthenia; rather, it sought to adopt from Hungarian law those solutions that appeared superior. An important task within the unification agenda was also to secure translations of legal texts from Hungarian into Slovak, which were often lacking; these activities likewise fell within the remit of the unification ministry, although in practice private-translational initiatives could also be encountered. With regard to the institutionalisation of unification, however, it should be noted that, in practice, the unification ministry ultimately assumed

5 For the sources of private law in Slovakia and Subcarpathian Ruthenia, see: FAJNOR, Vladimír – ZÁTURECKÝ, Adolf: *Nástín súkromného práva platného na Slovensku a Podkarpatskej Rusi*. III. vydanie pôvodného diela. Šamorín, Heuréka, 1998, 21–32.

6 GÁBRIŠ, Tomáš: *Vznik právneho poriadku prvej ČSR*. In: Acta Facultatis Iuridicae Universitatis Comenianae. Bratislava, Univerzita Komenského v Bratislave, 2007, 114.

7 SALÁK, Pavel Jr. et al.: *Historie osnovy občanského zákonníku z roku 1937: Inspirace, problémy a výzvy*. 1. vyd. Brno, Masarykova univerzita, Právnická fakulta, 2017, 41.

primarily a coordinating, consultative and cooperative role (in cooperation with other ministries, in particular the Ministry of Justice).⁸

In light of the foregoing, it may be concluded that the continued application of the Hungarian Commercial Code in Slovakia and Subcarpathian Ruthenia during the interwar period unfolded within the broader framework of the Czechoslovak legislator's unification efforts.

3. Unattained objectives in the field of commercial law

An examination of interwar unification efforts in the field of commercial law suggests that, from the outset, they were overshadowed by the project of unifying civil law and therefore did not receive priority attention from the legislator.

Salák et al. observe that the unification of commercial law was not regarded as urgent, since "it was first necessary to reach consensus on the overall concept of private-law regulation, that is, to decide whether the law of obligations would be regulated by a single instrument or whether part of it would retain its autonomy within private commercial law."⁹ Malý et al. formulate this¹⁰ even more explicitly, noting that the unification of civil law was accorded priority. However, once it became apparent that the preparatory work was not progressing within the anticipated timeframe, work on the preparation of a commercial code was eventually initiated in 1927; one year later, the ministry established a commission tasked with addressing the matter.

More tangible results of these unification efforts can be observed in 1937, when the Ministry of Justice circulated draft texts to the relevant bodies – texts which, according to Salák et al., were "impatiently and misleadingly labelled as the Draft Commercial Code." This was the outcome of a scholarly commission's work and consisted of two books: a debated and revised draft of the first book, entitled *Commerce*, and an undeputed draft of the second book, entitled *Companies*, both accompanied by

8 For a more detailed analysis of the unification process, with a focus on substantive criminal law, see: FICO, Miroslav: *Základy trestnej zodpovednosti v procese unifikácie trestného práva medzivojnovej Československej republiky*. Košice, Šafárik Press, 2020, 18–23.

9 SALÁK, Pavel Jr. et al.: *Historie osnovy občanského zákoníku z roku 1937: Inspirace, problémy a výzvy*. 1. vyd. Brno, Masarykova univerzita, Právnická fakulta, 2017, 42.

10 MALÝ, Karel et al.: *Dejiny českého a československého práva do roku 1945*. Praha, Leges, 2010, 429.

explanatory memoranda. The second book comprised three chapters: *On the General Partnership*, *On the Limited Partnership*, and *On the Silent Partnership*. The draft lacked an introductory act and a regulation of commercial transactions (obligations), in respect of which reliance was expected to be placed on the parallel unification of civil law. The regulation of capital companies and cooperative law was ultimately envisaged as the subject of separate legislation.¹¹ Lysý et al. note that the 1937 draft of a Czechoslovak Commercial Code was also intended to draw on Statutory Article XXXVII of 1875.¹²

In light of the approaching events leading to the disintegration of the Czechoslovak Republic and the outbreak of the Second World War, unification efforts in the field of commercial law – much like those in civil law – ultimately proved unsuccessful during the interwar period. In Slovakia, the Hungarian Commercial Code thus remained in force throughout the entire interwar existence of the Czechoslovak Republic and was repealed (with the exception of the legal regulation of cooperatives) only by the first Czechoslovak Civil Code, Act No. 141/1950 Coll.¹³

4. Adopted commercial-law legislation

An analysis of interwar norm-making indicates that although comprehensive unification and codification of commercial law were not achieved during the interwar period, a number of normative legal acts were nevertheless adopted addressing particular issues of a commercial-law nature.¹⁴ Our analysis shows that many of the examined sources – adopted primarily in the period following the establishment of the Czechoslovak state – served, in essence, two functions: a unifying function and a subordinating function. By the unifying function, we refer to the partial unification of specific commercial-law issues in the general sense of the concept. By the

11 SALÁK, Pavel Jr. et al: *Historie osnovy občanského zákoníku z roku 1937: Inspirace, problémy a výzvy*. 1. vyd. Brno, Masarykova univerzita, Právnická fakulta, 2017, 45.

12 LYSÝ, Miroslav et al.: *Slovenské právne dejiny II. Vývoj súkromného a trestného práva na Slovensku od najstarších čias po súčasnosť*. Šamorín, Heuréka, 2021, 115.

13 MOSNÝ, Peter – LACLAVÍKOVÁ, Miriam: *Dejiny štátu a práva na území Slovenska II. (1848 – 1948)*. 2. doplnené vydanie. Bratislava, Wolters Kluwer, 2019, 155.

14 For the sources of commercial law, see: KARMÁN, Julius: *Slovenský obchodný zákon a predpisy ho dopĺňujúce s judikatúrou najvyššieho súdu, ako i býv. uh. kúrie a súdnych tabúl*. Praha, Československý kompas, 1926.

subordinating function, we mean the interest of the Czechoslovak state in severing ties, i.e., the pre-existing legal relations with the 'mother country,' namely, Hungarian institutions. Ultimately, these acts may be understood as expressions of the incorporation of Slovakia and Subcarpathian Ruthenia into the Czechoslovak Republic. In what follows, we therefore focus on two categories of sources of commercial law applicable in Slovakia: unifying sources and subordinating sources.

Among the sources of law of predominantly subordinating character, we include Act No. 210/1919 Coll. on the regulation of the conditions of cooperatives in Slovakia of 15 April 1919. The minutes of the National Assembly – recording the report of the National Economic Committee on the draft Act, delivered by MP Dr Halla as rapporteur – indicate that the purpose of the proposed regulation was to protect Slovak agricultural and credit cooperatives from bankruptcy, into which they had been driven by their dependence on Budapest headquarters, and simultaneously to rebuild the entire cooperative system on new foundations. As the rapporteur stated: "Following the state upheaval, Slovak cooperatives found themselves in an untenable situation, because on the one hand the validity of Hungarian laws was confirmed by the Act of 28 October 1918, while on the other hand the membership relationship of Slovak cooperatives to foreign headquarters fails to reflect the independent position of our Republic and requires remedy also for political, legal and economic reasons."¹⁵

From the perspective of its substantive scope, the Act regulated the following key areas: (1) the subordination of cooperatives to a Slovak central organisation, (2) matters of supervision and control, (3) requirements for cooperative statutes, and (4) sanctions.

Under the examined legislation, all cooperatives in Slovakia¹⁶ were, in principle, obliged to terminate their membership in all central organisations seated outside the territory of the Czechoslovak Republic, at the latest by the end of July 1919. This obligation applied to Slovak cooperatives established under Statutory Article XXXIII/1898 on cooperatives

15 Společná česko-slovenská digitální parlamentní knihovna. Available on: <https://www.psp.cz/eknih/> (2026. 02. 01.)

16 „The provisions of this Act – insofar as membership in the Central Cooperative is concerned – shall not apply to workers' consumer cooperatives, consumer cooperatives of railway employees, factory consumer cooperatives, artisans' cooperatives, nor to cooperatives which shall be established by any of the cooperative central offices in Prague and in Brno and shall submit to union revision.“

as well as those established under Statutory Article XXXVII/1875 (the Commercial Code). The Czechoslovak Act specifically refers to the duty of cooperatives founded under Statutory Article XXXIII/1898 to terminate their membership in the National Central Credit Cooperative (*Országos központi hitelszövetkezet*). The same source simultaneously derogated those provisions of the Cooperatives Act that governed relations with the National Central Credit Cooperative. Upon termination of membership in a foreign central organisation, Slovak cooperatives became, *ex lege*, members of the Central Cooperative in Bratislava. If, however, cooperatives in Slovakia failed to comply with the obligation to terminate membership in a foreign headquarters, the Central Cooperative in Bratislava was authorised to affiliate the cooperatives concerned and to terminate such membership on their behalf. Exceptionally, Slovak cooperatives could be (or could remain) members of another cooperative central organisation, but only with the permission of the Central Cooperative in Bratislava. If such consent was not granted by November 1919, Slovak cooperatives were required to terminate that membership by the end of 1919.

The purpose of subordinating Slovak cooperatives within the meaning of the examined regulation was further ensured by provisions on the so-called revision (audit) of cooperatives. Every cooperative in Slovakia was obliged to submit its entire establishment, as well as its commercial activity, to examination by an auditor. The right to audit cooperatives that were members of the Central Cooperative belonged to the Central Cooperative itself. With respect to other cooperatives, the government was authorised to entrust the audit either to a court expert or to the Central Cooperative. The auditor notified the performance of the audit to the collegiate court of first instance, which, where deficiencies were identified, proposed that the court impose on the cooperative an obligation to remedy the deficiencies found. The costs of the audit were borne by the cooperative; the Central Cooperative accounted for the costs incurred and, through the same court, enforced recovery of those costs from the audited cooperative.¹⁷ Closely connected with the duty to submit to audit within the meaning of the above was the prohibition on submitting to audits by foreign headquarters, as well as the prohibition of trading with them, depositing surpluses with them, and concluding loans with foreign cooperative headquarters.¹⁸

17 § 7, Act no. 210/1919 Coll.

18 § 2, ods. 3 Act no. 210/1919 Coll.

A further area regulated by the examined legislation concerned the requirements applicable to the statutes of Slovak cooperatives. The Act provided for the invalidity of those provisions of cooperative statutes that rendered the cooperative, in any manner, dependent on a foreign headquarters, as well as those provisions requiring the publication of cooperative notices in a periodical published outside the borders of the Czechoslovak Republic. At the same time, the legislation introduced the obligation to publish notices in the *Official Gazette (Úradné noviny)* in the Slovak language.

Compliance with the statutory obligations was secured by sanctions, which may be divided into three categories depending on their severity.

From the perspective of the cooperative, the most severe sanction was dissolution, which the collegiate court of first instance was authorised to order upon a motion by the Central Cooperative in Bratislava. The triggering circumstance for this sanction was the refusal of the general meeting to comply with the provisions of the Act – an element which we interpret as an intentional omission on the part of the general meeting.

Sanctions applied not only to the cooperative as a legal person, but also to members of its governing bodies. Where members of the management failed to convene a general meeting in due time for the purpose of terminating the cooperative's membership in foreign headquarters, failed to secure the consent of the Central Cooperative in the event of membership in another cooperative central organisation as required by the Act, or in any manner obstructed the auditor of the Central Cooperative in the course of the audit, they could be punished by a pecuniary fine of up to 5,000 crowns and imprisonment for up to six months. The same sanction also applied to members of the supervisory committee of the cooperative, under a rather vaguely worded statutory definition: "if they omit to undertake everything which, under the Commercial Code and the cooperative statutes, lies within their power in order to ensure compliance with the provisions of this Act." The same penalty further threatened members of the management, members of the supervisory committee, and ultimately also ordinary employees of the cooperative who allowed an auditor or another employee of a foreign headquarters to conduct an audit of a Slovak cooperative. The effort to eliminate foreign influence over Slovak cooperatives was finally also reflected in the threat of imprisonment for up to six months and the sanction of lifelong expulsion (in the case of a foreigner) who, as an auditor or employee of

a foreign headquarters, carried out an audit within a Slovak cooperative.

Among the legal instruments of a subordinating, but also unifying character, we further include Government Regulation No. 397/1919 Coll. and Government Regulation No. 254/1922 Coll., which, in terms of their substantive scope, concern the publicity of data of a commercial-law nature. Government Regulation No. 397/1919 Coll. of 17 July 1919 provided that all entries in commercial registers and all notices from the registers of associations relating to the registration of new cooperatives, changes, entry into liquidation and deletion of cooperatives, as well as notices in composition and bankruptcy proceedings and in matters of commercial supervision, which until then had been published in the Viennese *Zentralblatt für die Eintragungen in das Handelsregister* and the Pest *Központi Értesítő*, would henceforth be published in a periodical entitled *Ústřední oznamovatel* at the Ministry of Justice in Prague. Pursuant to the Regulation, notices were to be transmitted without delay. The *Ústřední oznamovatel* was at the same time to include entries from the period between the proclamation of the independence of the Czechoslovak Republic and the entry into force of the Regulation; these “interim period” entries were to be transmitted continuously at weekly intervals. All issues of the *Ústřední oznamovatel* were to be supplied free of charge to the registry (composition, bankruptcy or supervisory) courts immediately upon publication; they were to be kept in the court office and, after the end of the year, bound. Likewise, the second of the mentioned Government Regulations, No. 254 of 1922, imposed on the *sedria* courts entrusted with keeping registers of commercial firms the duty to send, without delay, copies of all entries to the editorial office of the *Ústřední oznamovatel*. It appears that this provision is duplicative (in relation to the previously described regulation); its adoption was apparently an expression of the need to formally derogate the regulation of the Minister of Agriculture, Commerce and Industry and the Minister of Justice of 1 December 1875 No. 26.922, which was not affected by the first Government Regulation discussed above. Regulation No. 254 also formally abolished the competence of the commissioner entrusted by the Ministry of Commerce with supervising the publication of entries in the register of commercial firms in Slovakia and Subcarpathian Ruthenia.

Norms of a subordinating character may also be found in Act No. 65/1922 Coll., which supplemented and amended the existing legislation on insurance companies. The statute provided that the establishment of insurance

institutions in Slovakia and Subcarpathian Ruthenia required authorisation by the Czechoslovak state. Under Art. I(2) of the Act, “the granting of authorisations falls within the competence of the Minister of the Interior in agreement with the Ministers of Finance, Industry, Commerce and Trades, and Justice, as the case may be also with the other competent ministers.” Through this Act, the legislator authorised the government to issue the so-called insurance regulative as a source of law governing the establishment and operation of insurance companies in Slovakia and Subcarpathian Ruthenia, as well as the supervision exercised over them. The statute provides, rather strikingly, that “thereby §§ 453 and the following of Act No. XXXVII of 1875 are amended”, referring to provisions of the Hungarian Commercial Code regulating insurance business. In our view, this does not constitute a relationship of general and special regulation (in relation to the insurance regulative), since the Act expressly speaks of an amendment of the provisions of the Commercial Code. What is unusual, however, is not only that the amendment is affected through a general clause (without specifying the particular provisions being amended), but also that, although formally implemented by Act No. 65/1922 Coll., the relevant substantive matters are regulated by the government in the form of a regulation.

On the basis of this statutory authorisation, Government Regulation No. 307/1922 Coll., the so-called insurance regulative, was adopted. Its subordinating character becomes apparent in Part D – State supervision. Under this Regulation, the management of insurance companies is subject to state supervision exercised by the Ministry of the Interior. Insurance companies are required to provide the state supervisory authorities with all assistance and explanations and to allow access to accounts, company books and similar documentation.¹⁹ The Regulation further provides that the management of insurance companies will ‘from time to time’ be examined by specialised technical officials of the Ministry of the Interior. Inter alia, it also establishes the power of the Ministry of the Interior, acting *ex officio*, to dissolve an insurance company or to suspend preparatory work aimed at establishing an insurance institution, in cases defined in a taxative manner.²⁰

We shall now proceed to the second group of sources of law, which may be characterised as unifying, i.e., those performing the function of partial unification (of certain areas of commercial law).

19 § 38, Gov. Reg. 307/1922 Coll.

20 § 41, Gov. Reg. 307/1922 Coll.

First, it is necessary to draw attention to the legislation introducing the limited liability company in the territory of Slovakia and Subcarpathian Ruthenia. The foundational instrument was Act No. 56/1906 of the Imperial Law Gazette on limited liability companies, which constituted the legal regulation of this type of commercial company in the Czech lands. By Act No. 271/1920 Coll., the applicability of this statute was also extended to Slovakia and Subcarpathian Ruthenia, thereby de facto unifying the regulation of limited liability companies across the entire territory of the interwar Republic. The unification Act simultaneously amended certain provisions of the limited liability company legislation, primarily in tax matters. As follows from the report of the Legal Committee delivered in the National Assembly by Dr Rolíček: “The submitted government draft meets the urgent need to extend the applicability of the Act on limited liability companies also to Slovakia. In Slovakia, limited liability companies have so far not been permitted as a form of business enterprise, although they have been tolerated and their taxation has been carried out in accordance with analogous fiscal provisions. By the new draft Act, submitted by the Ministry of Justice, the scope of this Act is likewise extended to Slovakia, thereby meeting this urgent need.”²¹

The regulation of savings banks likewise became an object of partial unification. This occurred through the adoption of Act No. 302/1920 Coll., which comprehensively regulated these financial institutions.

The Act contained a general derogation clause, pursuant to which: “The Savings Bank Regulative of 27 September 1844, as well as other laws and regulations relating to savings banking, shall lose validity upon the entry into force of this Act.” During the parliamentary debate on the draft, the proposer, Dr Fáček stated: “The draft Act on which I am reporting arose from two needs. First and foremost, there is a well-known need to establish in Slovakia monetary institutions that would accept savings from broad sections of the public. In the budget committee, we have already – on two occasions – adopted a resolution calling, in this regard, in particular for the introduction of a postal savings-bank organisation for savings deposits in Slovakia; however, the government evidently considers other approaches more appropriate, namely the establishment of municipal savings banks. It is assumed that institutions of this kind, rooted in the local municipal structure, will more readily gain the trust of depositors

21 Společná česko-slovenská digitální parlamentní knihovna. Available on: <https://www.psp.cz/eknih/> (2026. 02. 01.)

and will be able more effectively to counteract the hoarding of banknotes, which hoarding has reached astonishing proportions, especially in Slovakia. This need could have been met by extending the applicability of the former Austrian regulative – which still applies to our savings banks – also to Slovakia. However, that regulative dates back to 1844 and is therefore significantly outdated. For this reason, the opportunity was taken to issue a new, more modern statute in its place, one that would regulate the legal situation of savings banks in our country and simultaneously provide, also in Slovakia, the basis for their future development. At the same time, an explicit tendency was pursued to unify the legal form of our savings banks. Until now, alongside municipal savings banks, we have had a number of association-based savings banks. These are now to be eliminated, in that they are to be required, within a certain period – within five years – to adapt to the new statute: they must either be transformed into municipal savings banks with municipal guarantee, or they must merge with municipal savings banks already existing in their locality, or, if neither proves possible, they must be liquidated.”

Successful unification also occurred with respect to the legal transaction of the publishing contract (*kiadói ügylet*), owing to Act No. 106/1923 Coll. on the publishing contract. Unification follows from the final provisions of the Act, pursuant to which §§ 1172 and 1173 of the Austrian Civil Code, as amended by the Third Partial Amendment, as well as §§ 515–533 of the Hungarian Commercial Code, ceased to have effect. Unless otherwise provided, the publishing contract was governed by the provisions of the general commercial code (Art. 1 of Act No. 1/1863 and § 1 of Statutory Article XXXVII/1875) and by general civil law. The reasons for unifying this particular legal transaction are apparent from the debate in the National Assembly, in which the rapporteur Dr Patejdl stated that the initiative for the legislation originated from the Syndicate of Czech Writers. According to the MP: “In literary and artistic circles, attention was drawn to the insufficiency of publishing law under the existing regulation, and a detailed regulation by a special statute was demanded.” The parliamentary record further indicates that the model for the adopted statute was the German law on publishing rights.

5. Conclusion

The present article sought to elucidate the significance of the Hungarian Commercial Code within the legal order of the interwar Czechoslovak Republic and to examine the Czechoslovak commercial-law legislation adopted after 1918, which gradually shaped the development of commercial law in the new state. In conclusion, it may be stated that the Hungarian Commercial Code exerted an immediate influence on the law applicable in Slovakia and Subcarpathian Ruthenia, stemming from its direct reception into the legal order of the Czechoslovak Republic. The subsequent development of this source of law was determined by the Czechoslovak legislator's efforts to unify the law; however, these efforts were – in the complex sense – ultimately unsuccessful, and the instrument in question was repealed in Czechoslovakia only by the first Czechoslovak Civil Code No. 141/1950 Coll. Nevertheless, the interwar period witnessed the adoption of a number of legal instruments which modified certain provisions of the Commercial Code or otherwise intervened in the regulation of matters pertaining to commercial law in a broader sense. With regard to the sources discussed above, two functions may be identified: a unifying function and a subordinating function. This is stated because the “sectoral” legislation adopted in this field pursued at least partial unification of certain commercial-law issues across the Czechoslovak legal order, and also (often simultaneously) sought to sever commercial-law ties between legal subjects operating in Slovakia and Hungary and to bring these relations under the jurisdiction of the newly established state. In light of the foregoing, it is therefore possible to conclude that the hypothesis has been verified, namely that the Czechoslovak legislator sought to assert and consolidate the state authority of the newly established state also through norms of commercial law. At the same time, it should be noted that, in view of the nature and scope of the present paper, it does not aim to provide a comprehensive overview and analysis of all sources of commercial law adopted in the interwar period; rather, it attempts to focus on those instruments falling within the analytical framework outlined above. The present article also addressed the draft (outline) of a unified Czechoslovak Commercial Code. As a potential avenue for further research, we identify the possibility to examine the extent of the influence of Hungarian Statutory Article XXXVI of 1875 on the aforementioned 1937 draft of a unified Czechoslovak Commercial Code.