

[HU] Hungarian Constitutional Court strengthens constitutional scrutiny of election-related media coverage cases

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Kinga Sorbán
University of Public Service

In three decisions delivered in March and April 2026, the Hungarian Constitutional Court further developed its jurisprudence on the relationship between freedom of expression, electoral fairness and the constitutional role of public service media during election campaigns, particularly regarding social media platforms operated by public service media organisations. The cases arose from judicial review proceedings before the *Kúria* (the Supreme Court of Hungary) concerning decisions of the National Election Commission (*Nemzeti Választási Bizottság - NVB*) and focused on the application of the principle of equal opportunities among political contestants.

In all three cases, the Constitutional Court ruled in favour of the petitioners, namely the public service media organisations challenging the *Kúria*'s judgments. Although the court did not decide whether the contested coverage violated the principle of equal opportunities, it found that the election authorities and the *Kúria* had failed to provide constitutionally adequate reasoning. As a practical consequence, the decisions may make it more difficult for election law bodies and courts to rely on general concepts of media imbalance when assessing campaign-related communication disseminated through public service media outlets and their associated online platforms.

A recurring theme throughout the judgments is that public service media carry constitutional responsibilities that extend beyond traditional broadcasting environments and encompass digital communication channels as well. At the same time, the Constitutional Court repeatedly emphasised that restrictions imposed on media actors in the name of electoral fairness require a clear legal basis, precise justification and careful constitutional scrutiny. In each case, the court found that these requirements had not been met.

The judgments are particularly noteworthy in light of broader European debates concerning platform governance, media pluralism and democratic safeguards in the online environment, including discussions surrounding the Digital Services Act (DSA) and the European Media Freedom Act (EMFA).

In Decision No. 1125/2026 (III. 23.), delivered on 13 March 2026, the Constitutional Court annulled the *Kúria*'s judgment Kvk.I.39.021/2026/7. The case concerned content published on the Facebook page operated by the public service media institutions MTVA and *Duna Médiaszolgáltató* during the parliamentary election campaign. The complainant argued that the page disproportionately highlighted the activities of governing party politicians, thereby violating the electoral principle of equal opportunities. The NVB rejected the complaint, and the *Kúria* upheld that decision on the ground that the Facebook page did not qualify as a media service and therefore fell outside the election law standards previously developed for public service broadcasters.

The Constitutional Court disagreed with this formal approach. It held that the constitutional responsibilities of public service media cannot depend exclusively on the legal classification of the communication channel. Where content is produced and disseminated by public service media institutions, constitutional scrutiny remains necessary even when communication takes place through social media platforms rather than traditional broadcasting services. Accordingly, the public service character of the media organisation remains relevant even where the platform itself is not classified as a statutory media service.

A few days later, in Decision No. 1147/2026 (III. 24.) AB, the Constitutional Court reviewed the *Kúria*'s judgment Kvk.V.39.043/2026/6. The case concerned election period coverage across several public service media outlets. The NVB found that the M1 news channel had predominantly featured politicians and experts associated with the governing Fidesz–KDNP parties in its *Híradó* programme. It further held that the principle of equal opportunities had been violated through content published on the *hirado.hu* news portal and on the portal's Facebook page, where content originating from governing party politicians was overwhelmingly represented. The public service media organisations sought judicial review, but the *Kúria* upheld the commission's findings.

The Constitutional Court annulled the judgment. While the *Kúria* accepted that election law principles could apply both to traditional public service broadcasting and to editorially managed online communication, the Constitutional Court considered that the judgment had not sufficiently justified the constitutional basis and scope of the obligations applied. The court also stressed that public service media are not required to provide identical levels of coverage to all political actors and that election law review cannot replace media authority supervision under the Media Act.

The third case, Decision No. 1157/2026 (IV. 8.) AB, arose from content published on the Facebook page of *Kossuth Rádiónál* during the parliamentary election campaign. The NVB found that the page was capable of influencing voters and that the public service media organisations operating it were jointly responsible

for its content in election proceedings. At the same time, both the NVB and the *Kúria* accepted that the Facebook page did not constitute a media service under the Media Act and was therefore not subject to the statutory requirement of balanced coverage. Nevertheless, following an earlier Constitutional Court ruling in the same dispute, the *Kúria* concluded that the operators had violated the principle of equal opportunities by predominantly reporting on activities and statements associated with the governing Fidesz–KDNP parties on a single day of the campaign and prohibited similar conduct in the future.

The court accepted that the Facebook page fell outside media service regulation but examined whether election law obligations could nevertheless be imposed on it. The court held that, once the *Kúria* had chosen to derive restrictions from the electoral principle of equal opportunities rather than from media law, it was required to provide a particularly detailed constitutional justification. It also emphasised that key concepts relied upon by the *Kúria*, such as “public media”, “democratic public opinion” and “one-sidedness”, were not defined in any applicable legal source.

The court found that the *Kúria* had failed to explain adequately why its assessment focused on a single day of content, how concepts such as “one-sidedness” and “disproportionate representation” should be defined, or why the restriction satisfied constitutional proportionality requirements. The Constitutional Court therefore set aside the judgment without taking a final position on whether the contested media coverage violated the principle of equal opportunities.

Taken together, the judgments confirm that public service media activity on social media platforms remains subject to constitutional scrutiny, while restrictions based on the electoral principle of equal opportunities require a clear legal basis and detailed constitutional justification.

Constitutional Court Decision No. 1157/2026. (IV. 1.)

<https://hunconcourt.hu/datasheet/?id=0D9A35B67B631A56C1258DC70061A1AF>

A határozat száma 1147/2026. (III. 24.) AB határozat

<https://alkotmanybirosag.hu/ugyadatlap/?id=EDBCF740E90F74C5C1258DBF00619DFA>

Constitutional Court Decision No. 1147/2026. (III. 24.), 24 March 2026

<https://hunconcourt.hu/datasheet/?id=EDBCF740E90F74C5C1258DBF00619DFA>

A határozat száma 1125/2026. (III. 23.) AB határozat

<https://alkotmanybirosag.hu/ugyadatlap/?id=EF397889C3671010C1258DB40061D823>

Constitutional Court Decision No. 1125/2026. (III. 23.), 23 March 2026

<https://hunconcourt.hu/datasheet/?id=EF397889C3671010C1258DB40061D823>

