[HU] Resolution of the Constitutional Court on the Scope of the Right to Reply and on the Limitation of the Amount of Public Interest Fine

IRIS 2002-1:1/32

Gabriella Cseh
Budapest

On 5 December 2001 the Constitutional Court delivered a resolution on the amendment of Article 79 of Act 1959 on the Civil Code that has been adopted as "Lex Répássy" by Parliament on 29 May 2001.

The Amendment, in addition to other legal remedies that are specified in the Civil Code, was intended to grant a right to reply when opinions and comments are expressed that violate a person's honour and good reputation. According to the Amendment, in the cases of such violations, the Courts are obliged to impose a public interest fine on the media up to an unlimited amount. When the Amendment was adopted, the President of the State of the Hungarian Republic did not sign it, but instead forwarded it to the Constitutional Court for constitutional review. He argued that the existing legal remedies provide sufficient legal protection for those whose dignity and good reputation have been violated. As a result, he regarded the Amendment as unnecessary and disproportionate, and therefore unconstitutional. The President also requested the Court to rule on the constitutionality of the public interest fine as it is laid down in the Amendment.

All of the eleven members of the Court agreed that the Amendment is unconstitutional in its current form. The majority opinion of the Court argued that the Amendment grants an additional right to the rectification right, which is already laid down in the Civil Code. As a result, the Amendment in its current form does not create a proportionate relationship between the interest in protecting honour and good reputation by means of the right to reply, and the harm that the limitation of the freedom of the press and media and the freedom of expression may cause. Because the Amendment does not specify any limitation of the right to reply and at the same time also prescribes mandatory public interest fines on the press, it limits the freedom of the press and the freedom of expression to an extent that is not justified by the protection of honour and good reputation. However, according to the resolution of the Court, the lack of limitation on the amount of the public interest fine is not on its own unconstitutional.

57/2001. (XII. 5.) AB határozat

© European Audiovisual Observatory (Council of Europe) 2026

http://isz.mkab.hu/netacgi/ahawkere2009.pl?s1=57/2001&s2=&s3=&s4=&s5=&s6=&s7=&s8=&s9=&s10=&s11=Dr&r=1&SECT5=AHAWKERE&op9=and&op10=and&d=AHAW&op8=and&l=20&u=/netahtml/ahawuj/ahawkere.htm&p=1&op11=and&op7=and&f=G

Resolution of the Constitutional Court of 5 December 2001, No. 57/2001 (XII. 4) AB, Hungarian Gazette No. 2001/137

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026