

Propositions accompanying the dissertation

Judicial Reforms in Hungary and Romania

The Challenging Implementation of EU Rule of Law Standards

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1. Striking a core balance between classic rule of law and new public management values for judicial organization is paramount for the legitimate functioning of national judiciaries in liberal-democracies and for the role of de-centralized EU judges effectively upholding EU law.
2. The evolving binding case law of the CJEU and the ECtHR pursuant to Art. 257 TFEU and Art. 19(1) TEU as well as Articles 6 and 8, 10 of the ECHR establish core rule-of-law requirements for the quality of judicial input, throughput, and output.
3. In the Hungarian legal order, new public management values for judicial organization (i.e. efficient use of human resources, securing adequate specialization, selecting most competent candidates as defined by law, securing balanced workload among courts and effective judicial communication) are used as a guise to dismantle the personal, internal, functional, organizational, and constitutional dimensions of judicial independence.
4. In the Romanian legal order, the explicit incorporation of new-public-management values in the legal framework (i.e. competitive judicial selection processes, random allocation of cases, effective communication of the judiciary, including court-spokespersons) cannot replace the affirmation of core rule-of-law values, such as defining merit in judicial selection processes, the legitimate space for decision-making and organizational autonomy of judges.
5. The main challenge for the Hungarian and Romanian legal orders is not how to combine rule of law and new public management values, but rather the more fundamental task of how to establish and secure core rule of law values.
6. Studying judicial reforms in Hungary and Romania from the theoretical perspective of balancing rule of law and new public management values is useful for understanding the tensions and possible threats for the constitutional, functional, organizational, personal, and factual dimensions of judicial independence, as well as for securing rule of law quality.
7. A widespread support for two- or multi-speed approaches to European integration could hinder the incremental clarification of the values on which the European Union is founded.
8. Research concerning desired levels of gender parity on the bench of international courts can add novel insights into the functioning and legitimacy of international justice.
9. Fraenkel's normative and prerogative state theory can be a useful framework for understanding constitutional backsliding.
10. There is a legitimate space for quantitative studies in the research concerning the functioning of both national and supra-national courts, which respects the decision-making autonomy of judges and complements doctrinal analysis.
11. Obtaining a PhD degree is a transformative experience (cf. L.A. Paul).