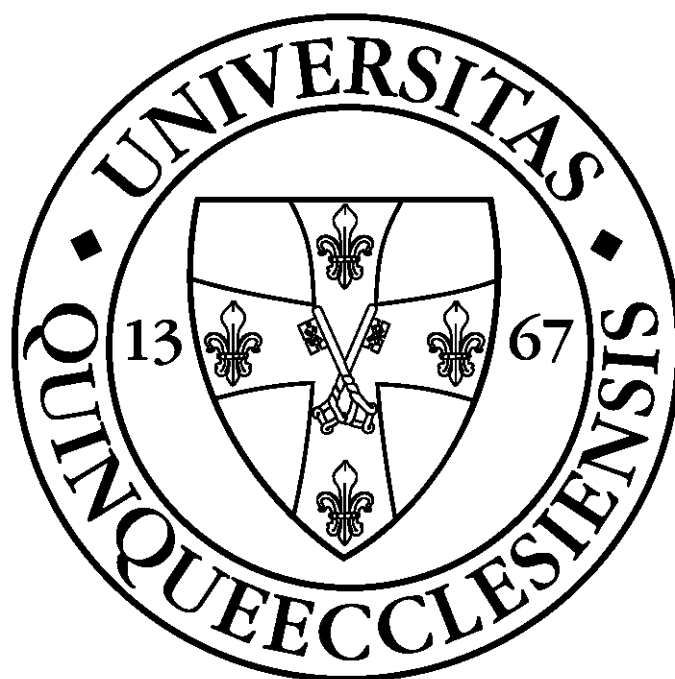


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*Interpretation and requirements of transparency in the light of
administrative procedures*

Thesis of the Dissertation



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I. Brief summary of research task

Administrative procedures, as well as public bodies that carry out these procedures, ought to perform functions related to the application of administrative law in a constantly changing social, economic, and political environment. This presents them with new challenges and expectations time and time again.

Based on the results of the conducted research, an administrative procedure can only fulfil its function within the modern public administration framework if both its regulation and application are comprehensible, interpretable, and acceptable to a wide range of legal entities, which thus establishes public trust. Essentially, this is a prerequisite for being able to expect citizens and a wide range of other legal entities to demonstrate a higher degree of voluntary compliance, i.e., an increased level of adaptation to administrative procedures.

With respect to the interpretation of transparency from the point of view of public administration, in terms of knowledge, expectations, and requirements related to the transparency of individual administrative cases, we do not necessarily see any certainties so far. Although scientific and professional discourse normally affect this concept, no consensus has been reached either in terms of international and national strategic processes and documents, or requirements set out by legislation, on what exactly the legal academic concept of transparency is and what its requirements are when applied in an administrative setting. Creating transparency - according to the approach of the dissertation - is the result of the simultaneous implementation of legislative, enforcement, strategic planning, and related communication tasks. These aspects need to be taken into account when aiming to determine transparency on both a general and a more specific level regarding the functioning of the state. Therefore, the Dissertation examines the issue of transparency and openness through the application of these key features to different aspects of the administrative procedure.

Given the complexity of the topic, it is necessary to adapt its research methods to these separable topics. In order to evaluate the development of the political and legal concept of transparency, the methods of historical and genetic analysis were applied in the course of creating the dissertation, which had to be further supplemented with a comparative analysis of legal and legal policy ideas in various states; this allowed for an in-depth understanding of the evolution of these processes.

In delimiting and analysing the concept of transparency – and, in particular, conceptual elements that can be interpreted from the point of view of jurisprudence – I used a dogmatic method to grasp every relevant part of the concept in the field of administrative procedure, and

provided a basis for setting and analysing requirements for its transparency. In this context, it was necessary to carry out a substantive – and, at the same time, critical – analysis of the examined legal institutions and provisions in order to be able to draw well-founded conclusions.

The experience of transparency can be dynamically varying for its subjects, the citizens, therefore the impressions of individuals on the performance of the examined state are relevant when evaluating the fulfilment of the requirements of transparency. Accordingly, the results of empirical research on the perception of citizens also formed an important part of the conceptualisation of transparency and openness, as well as their evaluation, and the verification of the theoretical-dogmatic results included in this dissertation.

With respect to the above, the doctoral dissertation undertakes to interpret and define the concept of transparency in the field of administrative procedures, and aims to determine general obligations arising from it. Within this framework, examinations also covered the possible application of these obligations to legal institutions which are the cornerstones of administrative procedure. Finally, in this dissertation, I present *de lege feranda* proposals for developing transparency in the administrative procedure.

II. Description of the tests performed, methods of research and collection of materials

1. Applied research methodology

In view of the complexity of the subject matter covered by the dissertation, it was necessary to match the research methods to distinguishable themes as follows.

In order to assess the development of the political and legal concept of transparency, as well as to explore the initial set of requirements, I intend to use the method of historical, genetic analysis. For the purpose of getting an accurately in-depth and comprehensive picture of these developments, the above method shall be complemented by a comparative analysis of the legal and legal policy concepts emerging in the different states. The perception of transparency, as well as its development into a set of criteria cannot be entirely separated from the social, economic and political changes that have taken place in the course of its development; which have, in many respects, determined its current definition and character. The evaluation does not seek to establish this artificial distinction; it does, however, aim to select the historical processes, interpretations and ideas that have shaped the concept and requirements of transparency, and provides an analysis thereof in Chapter II of the present Dissertation.

In order to capture various relevant elements of the concept of transparency, and thereby making it applicable to establishing and analysing a set of requirements with regard to transparency in the application of public law, I shall select a dogmatic method suitable for the in-depth analysis of the concept of transparency from both a general and a legal academic perspective. The abovementioned requirements are analysed in Chapter III of the present Dissertation.

The dissertation endeavours to analyse certain factors – in terms of legislation, application of law, and communication - that influence transparency from a new perspective: it takes a look at the role these factors play in achieving transparency. Therefore, it is necessary to carry out a positivist and critical analysis of the legal instruments and provisions subject to examination in order to be able to draw well-founded conclusions. The analysis of these three issues - which can be considered as pillars of transparency in the administrative process - as well as the results thereof will be presented in Chapters IV, V and VI of the present Dissertation.

Finally, when examining certain aspects of transparency in the application of public law, it is necessary to examine different features that can be observed in practice in order to obtain a complete picture of the fulfilment of the requirements of transparency. With respect to

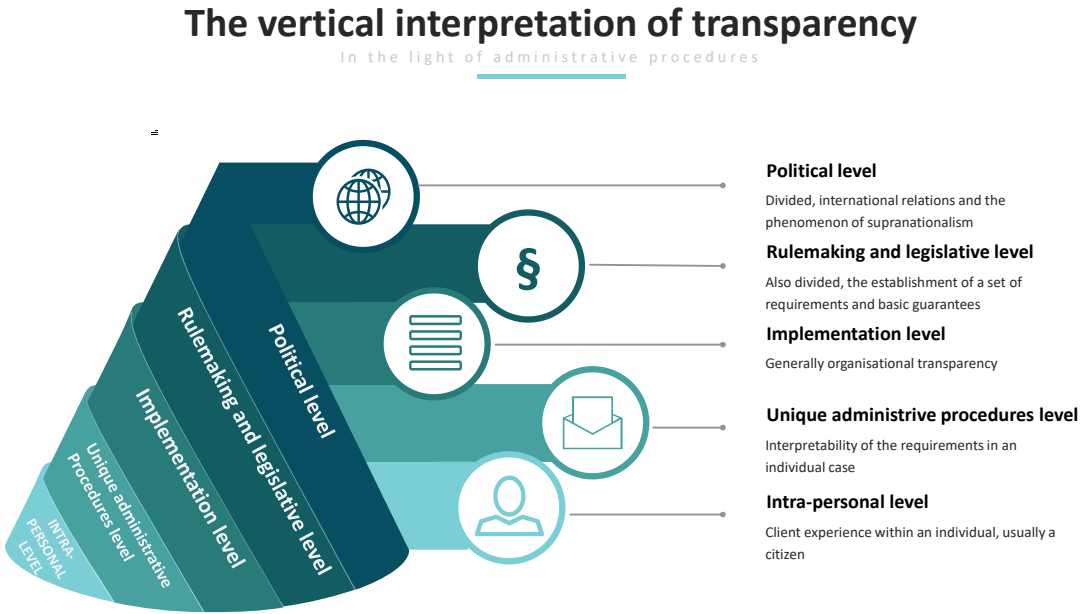
communication with public authorities and citizens' perceptions of the transparency of the administrative process, I found it necessary to apply empirical research methods, which can be used to generate primary scientific findings on these issues. These results have the potential to confirm the scientific findings of the thesis and may provide valuable insights for both Hungarian and international jurisprudence.

2. Directions of conducted research

The exceedingly complex nature of the concept and requirements of transparency, interwoven with legal and political concepts, makes it necessary to outline the research avenues related to the analysis of transparency in a narrower context, as these are capable of determining the level of conceptualisation, investigation, as well as possible conclusions to be drawn.

On the one hand, transparency in the administrative procedure can be examined from a vertical perspective.

*Figure 1 – The vertical interpretation of transparency
– in the light of administrative procedures*



Source: constructed by the author.

Under this approach, we can take a look at intra-personal and legal application levels reflected in legislation, application of law, and individual administrative procedures. In the history of transparency - explained in detail in Chapter II of the Dissertation - our first encounter with a concept of transparency was a political definition signifying an expectation or demand

of the government exercising state power; this is adopted and incorporated by the government into its processes to a certain extent in order to meet external and internal expectations, as well as to ensure its own organisational sustainability. This level is characterised by divisions, since it is not only a matter of individual political processes implemented by individual states or member states, but also a dynamically changing system influenced by international relations and international and supranational organisations, which may even place conflicting demands on the states concerned. The legislative level must be able to meet these political expectations, as well as guarantees of the rule of law and the constitution deriving from each legal system. With respect to our narrower subject matter, this means the development of general and – where applicable – sectoral, substantive and formal legal standards for administrative procedures. This means that transparency requirements shall not only be enforced in the course of drafting and amending these norms, but also with regard to the legislative process, which needs to be sufficiently open and based on the inclusion of stakeholders. This issue will be dealt with in more detail in Chapter IV of the Dissertation.

The next level in the vertical interpretation of transparency is the level of application of law and enforcement, which most often refers to organisational transparency, i.e. the requirements and their enforceability that enable administrative bodies to carry out their statutory tasks and responsibilities in a manner that is sufficiently effective, meets requirements as fully as possible, while remaining understandable to internal stakeholders – i.e. the staff involved in the application of public law - and enforcing integrity. As explained above, this level is already performing its tasks in a relationship of dependency - its functioning is highly dependent on the performance of the legislative level and, to some extent, the expectations of the political level and the fulfilment thereof. However, this level is of outstanding importance in terms of the creation of transparency in the administrative process as without the realisation of organisational transparency, including integrity management in a broader sense, the transparency of the individual level of the application of law - the central subject of this thesis - becomes unintelligible, appearing as an idealistic dream at the extremes of the interpretative horizon. With this in mind, in Chapter V of the Dissertation I summarise the main requirements, directions and objectives along which this particular organisational order and value orientation can aid the creation of transparency.

I follows from the above considerations that the level of individual administrative procedures is the level at which the administrative body, acting in an individual case, takes decisions or performs other administrative activities and, in doing so, establishes rights and

obligations for a client or clients. As a matter of fact, this is the level at which a substantive examination of the procedural elements and principles of transparency can be provided. Hence, the dissertation will devote this aspect of interpretation to the implementation of the horizontal analysis. The conclusions thereof are presented in Chapter VI of the Dissertation.

The intrapersonal development of a sense of transparency, i.e. developing a sense according to which citizens demonstrate a genuine trust in their own state, an acceptance of its processes and outcomes, a willingness to follow the law voluntarily based on these senses – i.e., regarding subject matter, the decisions of public authorities – is, or should be, one of the primary goals of any present-day public administration system. As explained in detail in relevant chapters of the Dissertation, it is with the help of the above that the efficiency of public administration can be achieved, which is actively being pursued by the administrative planning documents of certain states examined in Chapters II, III and IV of the Dissertation. Therefore, in addition to the individual level of the application of law, the open communication of the public bodies fulfils an important role: it makes the aspirations of public bodies to achieve transparency with respect to their operation and the implementation of decisions visible and tangible. These issues are dealt with in a separate structural unit, in Chapter VII of the Dissertation.

Finally, arriving to issues arising on an intrapersonal level, it becomes essential to examine – in addition to the theoretical approach - the empirical nature of the topic in order to identify the factors that actually shape the perceptions, client experiences, as well as the sense of transparency of individuals. This topic also has the potential to provide non-negligible scientific results in terms of practical implications, since, however well thought-out the concept of the administrative process is, however consistent and comprehensive the range of measures implemented at each level to increase transparency may be, these measures cannot be considered effective, if, in the end, they fail to produce the effect most important for the potential clients and citizens, which is the sense of transparency and client satisfaction – detailed in the relevant main Chapter – it seeks to achieve.

In fact, the factors listed above are all part of a *cross-functional analysis* of the actors, legal institutions and factors that can be identified in the process of establishing and maintaining transparency in administrative procedures and what their precise impacts are on the development of transparency. In the final analysis, the impact of each of these factors will naturally differ, and it can even be assumed that their impact on the overall picture may vary from case to case, just as regulatory elements, the behaviour of public authorities or clients may vary, but their interdependence (i.e. the fact that a lack of transparency in one of them cannot

necessarily, or even usually, be replaced by another factor or actor) makes all the examined elements relevant, their roles essential to assess, in pursuance of making any kind of assumptions on the transparency of the administrative procedure.

It should be noted that the Dissertation deals almost exclusively with state administration, due to the limitations of the scope, and that the many different characteristics of local government administration can be examined in the context of another research. For similar reasons, the Dissertation focuses on the identification and interpretation of transparency expectations and requirements at the international level, while the national solutions – including the Hungarian aspects –, are intended to illustrate the emergence and implementation of these expectations and requirements.

The role of changes over time cannot be neglected in the analysis either: legal institutions, the regulatory framework and even general and policy concepts are changing dynamically, having a pervasive impact on factors relevant to transparency and, ultimately, on the transparency of the administrative procedure. The results thereof may not always have a positive direction – and, therefore, these aspects must be taken into account in the course of the longitudinal analysis of the subject. The Dissertation does not present these effects and changes in separate structural units, but as an integral part of each unit's analysis, in order to maintain the coherence of the thesis.

3. Main research objectives and hypotheses

In designing the doctoral research that underpins the dissertation, the following research objectives were identified:

- interpretation and definition of the concept of transparency in the field of the administrative procedure, with a synthesis of the literature and international best practices on transparency,
- definition of the general obligations (transparency requirements) arising from the concept of transparency in relation to the administrative procedure,
- examination of the current and future implementation of transparency requirements in relation to legal institutions as the cornerstones of the administrative procedure,
- identification of possibilities for improving transparency in the administrative procedure, analysis of ways and means of implementation.

In order to achieve the research objectives defined above and provide a substantive analysis of the chosen topic, the following hypotheses were formulated in the course of the research:

- the elements of the concept of transparency in the administrative procedure are distinguishable and at least partially different from the central concept of transparency,
- establishing transparency in the administrative procedure is a fundamental requirement for legislators and law enforcers in a state governed by the rule of law,
- transparency in the administrative procedure, as well as enforcing the requirements of the rule of law, is fundamentally aimed at building the trust and confidence of citizens and other legal entities towards the activity of public authorities and the state,
- merely making the administrative process more efficient or faster does not increase the degree of transparency in the administrative procedure (partial null hypothesis).

III. Summary of new scientific findings of the doctoral dissertation

1. Responses given to the research questions, main conclusions

The *first hypothesis* of the dissertation was related to the issue of whether the results of the doctoral research indicate that the conceptual elements of transparency in the administrative procedure are distinguishable - i.e. they are at least partially different - from the general concept of transparency. As a result of this research, I defined and analysed the concept of transparency in jurisprudential terms, which can be formulated as follows:

From a legal point of view, transparency is a constitutional and rule of law requirement that aims to make the subject of transparency comprehensible, understandable and interpretable in its process for the subject of transparency.

In comparison, the transparency of administrative procedures can be defined as one of the specific issues of this conceptual framework. On the basis of the doctoral research, I found that the transparency requirements of the administrative procedure signify the constitutional and accepted rule of law requirements of the examined country, suitably illustrated by the exemplary German and Hungarian requirements. Subsequently, I provided a definition for the subjects of transparency, which, in the approach of the thesis, represent a broader group of citizens, social stakeholders, including primarily, from the point of view of the administrative procedure, the clients. Additionally, internal stakeholders, public administration staff, and, in the case of certain special public- and quasi-public authorities, the members of the affected public body applying the law, are also verifiably included among the subjects of transparency.

Furthermore, I aimed at defining the jurisprudential scope of transparency in the administrative procedure based on the research results, as follows:

- with respect to legislation governing the administrative procedure and the process of its development, *establishing a transparent legislative process based on the involvement of society, stakeholders and a broad social consensus, aiming at setting clear, understandable and enforceable legal requirements.*
- with respect to the public bodies and organisational systems carrying out the application of law, *integrity, legality, order, and transparency within the overall organisational system, in the interrelationship of the various bodies, and in the internal relations between the bodies applying public law.*
- in view of the factors influencing the individual administrative procedure - *a legally binding, impartial, traceable public administration procedure, subject to*

clear requirements set in advance, and which, in the case of a given set of facts, results in a predictable decision or the public authority's decision is based on the involvement of stakeholders. An effective legal remedy is available if the decision is challenged.

- finally, on the issue of communication by public authorities - *consistent, clear and open communication for the appropriate information of society and stakeholders, both within and outside the administrative procedure, and on the organisation and operation of public bodies in general.*

Within the framework of the Dissertation, I identified the limits of transparency in the administrative procedure: firstly, the limits of transparency based on the freedom of information - which is a prominent feature of the issue of transparency - and secondly, the limits of confidential handling and the primacy of the activity of applying the law, resulting from the specific nature of the administrative activity. The conducted empirical research has confirmed the results of the above theoretical and doctrinal analysis.

The research results reveal that the conceptual elements of transparency in the administrative procedure, interpretable from a jurisprudential point of view, are demonstrably distinct from and in a part-whole relationship with the general and legal concept of transparency.

The results of this research are most valuable for international and national legislation, where an unified concept of transparency has the ability to advance the development of a set of requirements related to the concept of transparency and its practical implementation.

The ***second hypothesis*** of the thesis was to confirm whether the creation of transparency in the administrative procedure can, taking constitutional rules into account, be traced back to whether it is based on constitutionally interpretable, rule of law requirements in a democratic state governed by the rule of law. The analysis has led to the following findings:

- transparency can be interpreted as a constitutional principle or a legally binding norm, primarily in the field of constitutional regulation,
- with respect to both the German and the Hungarian constitutional rules, transparency can be derived from the principle of the democratic exercise of power based on constitutional court decisions, the examined literature, as well as the analysis presented in the thesis,

- the most important transparency requirements can be identified in the context of the prominent role of laws and the binding nature of the application of law (public administration), legal certainty, and the enforcement of a set of requirements of fundamental rights.

Based on the results of the research, it can be concluded that the legal institutions, measures and efforts established to ensure the transparency of the administrative procedure can be traced back to the constitutional and rule of law requirements applicable to public administration and, in view of the results of the investigation, the creation of transparency in the application of public law, an exercise of public powers, serves the implementation and enforcement of these requirements.

In this respect, the requirements of the rule of law and the expectations of transparency arising from them, can be best understood - taken together with the principles governing the application of public law - as follows:

1. táblázat - The links between procedural principles, the relevant rule of law requirements and the subject of transparency in the administrative process

Principles	Rule of law requirements	The subject of transparency
<i>Legality, accountability to laws (equality before the law, equal treatment)</i>	<i>The binding nature of the application of the law, the prominent role of the law</i>	<i>Legally binding, impartial public activity with clear requirements</i>
<i>Official nature of the administrative procedure</i>	<i>The binding nature of the application of the law, the prominent role of the law, the principle of legal certainty</i>	<i>A calculable, predictable process and decision</i>
<i>Principles related to clients (client-orientation, education of clients etc.)</i>	<i>The principle of legal certainty Enforcement of fundamental rights - Right to a fair trial and information rights</i>	<i>Activity by public authorities that is available and predictable, and is based on clear requirements</i>
<i>Efficiency</i>	<i>The principle of legal certainty Enforcement of fundamental rights - Right to a fair trial</i>	<i>A predictable, cost-saving, fast and predictable process and decision</i>
<i>Participation</i>	<i>The principle of legal certainty Enforcement of fundamental rights - Right to a fair trial</i>	<i>Stakeholder involvement in administrative decision-making</i>
<i>Remedies</i>	<i>Enforcement of fundamental rights - right to a fair trial, right to independent remedy</i>	<i>Effective remedies</i>

Source: constructed by the author, taking into account the principles contained in OECD Sigma, 2014.

The above findings can contribute to the enforcement of transparency requirements and the enforceability of any legal claims that may arise.

As the *third focus of the Dissertation*, I examined the transparency of the administrative procedure in the context of the target-means relationship. Following this line of thought, transparency, understood in the context of public administration, is not in fact an end in itself, but a set of efforts directed towards a specific purpose, unfolded based on a focused regulatory framework. The objective of this framework is generating trust, which is intended to increase the confidence of citizens and other legal entities in the activity of public authorities and the state.

Its roots lead us back to the origins of the concept of transparency in general, to its emergence in political and legal culture: I found that modern states can only consider themselves transparent if they build an open relationship with the people and society that legitimise the respective political power, and ensure the transparency of state operations through continuous communication and accountability. This allows for an understanding of the confidence-building and sustaining effect of transparency: transparency can have a democratic legitimising effect as regards openness, insight and control in constitutional democracies based on indirect democratic exercise of power and, as such, it is crucial for all states and governments to build and maintain the trust of the subjects of transparency.

On the other hand, as can be deduced from the empirical research results and primary survey results detailed in relevant literature, the platforms of transparency, with particular reference to the decision-making in individual public authority cases: it can be shown here that there is a strong relationship between voluntary compliance with the law in state-organised society and a high level of individual representation of transparency sentiments.

On the basis of the above findings and the results of the doctoral research, I consider the hypothesis that the transparency of the administrative procedure of public authorities, while enforcing the requirements of the rule of law, is essentially aimed at establishing confidence in the application of the law by the government, and public authorities justifiable.

The results of this research are also of great use in the planning and implementation of public administration: if it is made clear that transparency is also about building and maintaining trust, the tools and plans necessary to achieve transparency can be defined and implemented in a more straightforward manner.

As the *last hypothesis of the Dissertation* and as a horizontal aspect of the thesis, I examined how the creation and maintenance of transparency in the administrative procedure is related to ideas and measures aimed at making the administrative procedure faster or more efficient.

Looking at the international literature and the findings of the thesis as a whole, the following conclusions can be drawn with regard to these factors:

- in the process of creating transparency in the administrative procedure, it is essential to clarify the framework of the administrative activity, so that the predictability and calculability of the procedure, as well as the decision resulting from the enforcement of the principle of efficiency, carry the possibility of increasing transparency,
- nevertheless, without taking appropriate measures to introduce government measures aiming to increase efficiency, accelerating procedures – while leaving other conditions unchanged – and imposing tighter deadlines as explained in the analysis presented in the thesis, potentially lead to more opaque conditions than if the procedures were to be conducted according to the original conditions.

According to the findings of the thesis, making the administrative procedure faster or more efficient does not in itself increase the degree of transparency in the administrative procedure -the realisation thereof is solely one of the conditions of developing transparency in the administrative procedure and not its culmination.

This research result, when assessed together with the empirical results, can provide a clear feedback to any state legislator aiming at fine-tuning legislative priorities and legal policy objectives.

2. Conclusions and proposals based on the findings of the thesis

Below I summarise the conclusions and proposals of the Dissertation, highlighting the most important findings of principle. These may offer solutions directly beneficial for both the development of strategies and legislation on the application of public law and the implementation of legislation:

1. The documents examined in the doctoral research often address the system of expectations and requirements of transparency with a very different approach and concept, which makes it difficult and, in some cases, even impossible to implement them consistently in the legislation and practice of public authorities. In this context, it would be essential to pursue a complex, holistic approach to transparency, even if these documents and drafts regulate only one aspect of transparency in the administrative procedure.
2. In view of the above, it would be particularly crucial to clarify the concept and substance of transparency at a national level as conceptual differences may result in developmental changes concerning the creation of transparency, creating the opposite effect: opacity and fragmentation in the procedural legislation and especially in the practice of the administrative procedure, regardless of the original purpose and embeddedness.
3. The conceptual notion that transparency can be achieved only and exclusively by materialising matters of the freedom of information in government practices, and implementing other expectations and requirements to achieve consistent results is unnecessary and inherently flawed.
4. From the point of view of transparency, it would be a priority to achieve - out of the forms of participation defined in Chapter IV of the Dissertation - an adequate level of information (not referring to the publication of the legislative proposal on the website of the legislative body) for all major draft legislation and concepts concerning the application of administrative law, in order to enable stakeholders of a narrower scope but more significantly affected by the legislative proposal to be informed at this stage about various changes and innovations under preparation.
5. Furthermore, it would be of great importance for the improvement of transparency if the legislator ensured a higher degree of public participation in the process of drafting legislation on the topic, or even in the process of amending existing legislation. My

proposals on the means thereof are included in Table 1 of Chapter IV.1. of the Dissertation.

6. With respect to regulatory concepts, emphasis should be placed on the fact, based on specific and general rules, that in legal systems operating with specific procedural rules, ensuring that the subjects of transparency have adequate information on the systems of public administration, the public administration's legal activity and relevant legal rules applicable to the case or type of case concerned is crucial, as their ability to understand the procedure will strongly be in correlation with these factors, which directly influence their perception of transparency, as presented in the empirical results of this thesis. In light of a rapidly changing and diverse body of law, it will take a great deal of effort to maintain citizens' average sense of transparency at the same level as in a stable regulatory system with few laws.
7. In general, but even more in a model built on specific rules, special attention must be paid to ensuring a high level of clarity of rules, as well as simple and comprehensible codification, which serve as a fundamental prerequisite for transparency.
8. However, in legal systems with general procedural rules, the precise communication of contacts with specific rules is an important element of transparency, so that clients can make sure, in a precise and predictable way, that they become acquainted with the rules that will govern their case.
9. In such systems, rules cannot become so abstract and 'principled' that public authorities or other actors involved in the process cannot be held accountable, or held accountable by reference only for compliance with them, as the issue of enforcing such legal claims will clearly create problems with transparency.
10. Nevertheless, it is important to note that the requirement of transparency should be elevated *expressis verbis* into a fundamental principle (either in terms of the examination of general or specific legislation), so as to provide an appropriate orientation for the interpretation of the legislation in question and, ultimately, where the legal system concerned otherwise provides this possibility, that the principle - in the absence of a more detailed provision or the possible reference thereof - is directly invoked as a comprehensive, fundamental requirement of legislation.
11. I find it of great significance to express that, with regard to external and internal regulation guaranteeing organisational transparency, special attention should be paid to finding the abovementioned balance: legislative and organisational regulation should be sufficient to prevent the emergence of situations that limit transparency, but

the state should avoid the regulation of any area in an unnecessary and extensive way as, according to relevant literature as well as the findings and argumentation presented in Chapter V of Dissertation, this has the effect of undermining not only transparency but also efficiency, organisational morale, motivation and a number of other organisational factors.

12. The most important and necessary measures in the context of developing transparency at an organisational level will be based on the motivation of staff through a range of external and internal tools. Accountability and punishment are only one dimension; positive motivating factors play a far more important role: a consistent civil service model and career path, fair remuneration to prevent corruption, and every other means that have the potential to encourage civil servants to accept and internalise the values of public administration.
13. With respect to the information and sources of information described before, during, and after the administrative procedure, the following conclusions and suggestions can be established: in the complex system of substantive and procedural, general and specific legislation on administrative procedures - particularly complex for the layman - case law, communications, and government information will play particularly important roles as sources of information. In this respect, the main conclusion and suggestion is that these materials shall, in any case, remain comprehensible, transparent, consistent and brief, otherwise they will be unable to fulfil their role in creating transparency. When dealing with clients, public administration (and, not least, governmental electronic client systems that support the delivery of activities) must strike a delicate balance: it needs to ensure quick availability and administration unbound by time and place for citizens, while, as the study concludes, communication must retain a personal touch in order to ensure that the process remains transparent. To this end, serious efforts shall be made: on the one hand, a further electronification and digitisation of traditional administration and, on the other hand, the implementation of additional services in electronic administration able to reinforce or at least replace the personal contact that is deemed necessary.
14. In terms of authority decisions, both the theoretical approach and the results of the primary study examined suggest that the emphasis should be on clarity, soundness and feasibility to ensure transparency.
15. With respect to transparency in decision-making, diversified decision-making methods, including mediation, are also applicable in the context of administrative

procedure and public authorities. The perception of the method as being tied to private law relationships has become obsolete, and can be seen as the result of an excessively one-dimensional approach.

16. In administrative procedures where mediation or other alternative dispute resolution methods have already been exhausted, procedures became easier to follow, customer-oriented, and more valuable in terms of content. Their introduction in other types of proceedings, where the nature of the case in general allows for such a method and does not undermine the fundamental purpose of the proceedings, should therefore be encouraged.
17. With respect to the communication of public authorities outside the procedure, it has to be pointed out that today's public administrations shall be more proactive than ever in opening up to society and social change, as well as recognising the corresponding societal needs. Public administrations must therefore take advantage of every available opportunity - technical or regulatory - that has the ability to boost transparency and communication in public administration. Accordingly, in order to increase transparency, it is necessary to further enhance the presence of public administration in the online environment and extend the range of online information available on the organisation's achievements and ambitions, the disclosure of which is would not intend to reveal confidential information about the organisation, but rather achieve the much-emphasised customer-orientation, socialise public administration, and thus project a more positive organisational image in the spirit of transparency.
18. In the case of atypical administrative procedures, it is particularly important for the purpose of transparency that the applicable framework for rules and guarantees applicable, especially its simplification, does not result in discarding guarantees or transferring relevant regulatory and interpretative tasks to a uniform sectoral procedural law. It is exactly general procedural legislation (where it exists) that provides a rational and logical framework for the definition of guarantees, thus setting clear requirements for both the authority and clients in all administrative areas of control, making the most important requirements transparent.
19. In attempting to address the transparency of public bodies, it is necessary to look back at the basic conditions set out for the operation of public bodies. The most important conditions include, first of all, their regulation, followed by internal rules and appropriate operational processes, since, when they demonstrate a high degree of

compliance, we can speak of full transparency on a theoretical level. These conditions cannot be dissociated from each other as they both strengthen and weaken each other in terms of the transparency of the organisation.

IV. List of publication

1. Publications published before the beginning of doctoral studies

Civil szervezetek ügyféli jogállásban. A magyarországi társadalmi szervezetek közigazgatási hatósági eljárásban való részvételének jellemzői [NGOs in the client status. Characteristics of the participation of civil society organisations in the administrative procedure in Hungary]. In: Koncz István – Szova Ilona (Eds.): *A Tudomány szolgálatában II. kötet - PEME IX. Ph.D. Konferencia [In the Service of Science. Vol. II - PEME 9th Ph.D. Conference]*. Budapest, Professzorok az Európai Magyarországért Egyesület, 2014. 127-137. o.

Civil szervezetek részvételi jellemzőinek vizsgálata a közigazgatási hatósági eljárásban [Analysis of the participation characteristics of NGOs in the administrative procedure]. In: Keresztes Gábor (Eds.): *Tavaszi Szél 2015 Konferenciakötet, III. kötet [Spring Wind 2015 Proceedings]*. Eger, Líceum Kiadó, 2015. 27-41. o.

A hatáskör-elvonás tilalmának értelmezése a hatalommegosztás tükrében [Interpretation of the prohibition of delegation of powers in the light of the division of powers]. In: Tuboly-Vincze Gabriella (Eds.): *XIV. Országos Grastyán Interdiszciplináris Konferencia előadásai [XIV National Grastyán Interdisciplinary Conference Proceedings]*. Pécs, PTE Grastyán Endre Szakkollégium, 2015. 96-105. o.

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