Polish Lessons for the Hungarian Transition

Regaining the Trust of Institutions and Citizens

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The victory of Péter Magyar and TISZA Party in the parliamentary elections of 12 April 2026 may be seen as a useful illustration of the theory of competitive authoritarianism developed by Steven Levitsky and Lucan Way. It suggests that even under uneven political conditions, electoral victory remains possible when an opposition movement is well organized, presents a credible program, and effectively capitalizes on the weaknesses and mistakes of the incumbent government. Consequently, claims about the demise of liberal democracy appear to be premature.

This victory comes 2.5 years after the pro-democratic and pro-European win in Poland – of the coalition led by the Prime Minister Donald Tusk. Since December 2023, Poland is getting through the difficult process of rule of law recovery and democratic revival. So, any comparison of the Polish and Hungarian case seems to be a natural starting point, especially as regards lessons drawn from the current Polish transition. This article compares the Polish and Hungarian case, arguing that the transition to democracy is not only about constitutional or legislative rebuilding of institutions, but requires commitment of various stakeholders to a meaningful democratic change. Poland's experience could be interesting as regards regaining trust of European institutions. Hungarian authorities should also look closely to accountability challenges in order to meet high expectations of voters.

Regaining the trust of European institutions

In theory, a sweeping victory by TISZA and the acquisition of a two-thirds constitutional majority should make the process of political and institutional change in Hungary easier than it has been in Poland. The coalition led by Donald Tusk secured a parliamentary majority, but not enough seats to override a presidential veto, let alone obtain a constitutional majority. Moreover, several state institutions remained firmly controlled by loyalists of the previous regime. Finally, the presidential election in mid-2025 did not bring any substantial change as regards the institutional setting. Right-wing President Karol Nawrocki has continued the policies of his predecessor, Andrzej Duda, particularly with regard to the judiciary and other central state institutions. Instead of institutional repair, Poland has experienced the negative consequences of deepening political polarization. Nevertheless, many important reforms and initiatives have been implemented in Poland, and these experiences may prove valuable for Hungary.

Peter Magyar promised in his inaugural speech to unfreeze the EU money from the Recovery and Resilience Facility (RRF) funds. It could be possible, if Hungary fulfills all 27 milestones, including those relating to judicial independence. Changing legislation is no challenge for TISZA (as compared to Poland, which is still struggling with different laws concerning the judiciary). But there is one additional policy that Hungary could pursue – joining the European Public Prosecution Office. It is not one of the milestones. It was also not in the Polish case. But from a political point of view, this step sends a strong signal that the EU money is safe and could be the subject of effective and independent scrutiny in case of misuse. It is thus no surprise that the need to join the EPPO has been regularly stressed by Peter Magyar in his speeches.

However, unfreezing the RRF funds is only one challenge. The second is the lifting of the Article 7 TEU procedure against Hungary. In April 2024, Poland presented its Action Plan, which was positively assessed by the Council, the European Commission,

and almost all Member States (naturally, with the exception of Hungary). As a result, the Article 7 procedure against Poland was lifted, and the Polish government moved towards the gradual implementation of the Action Plan, with at times uneven and difficult progress. Although the process has not yet been completed, the relationship between the executive and judicial branches is today much closer to the standards of a traditional constitutional democracy than it was before elections in 2023. The upcoming end of term of the politicized National Council of Judiciary and the selection of its new judicial members could be important steps in Poland's rule of law recovery.

Although a two-thirds majority in Hungary would empower the new Parliament to enact almost any constitutional or legislative reform, the key question is whether such changes should be carried out with self-restraint, moderation, and inclusiveness. This concerns, in particular, guarantees of judicial independence. It seems that those actors within Hungarian civil society who defended democratic standards throughout the sixteen years of Orbán's rule would favor such an approach – one grounded in democratic values rather than in a "winner takes it all" mentality. Moreover, like in Poland, the Venice Commission may play an important role in evaluation of proposed long-term constitutional reforms in Hungary.

The Hungarian government, in order to gain trust of the EU institutions, may also consider changing its position towards European courts. On the first day in office, Radoslaw Sikorski, Minister of Foreign Affairs of Poland, declared that the government is not going to appeal the *Wałęsa v. Poland* pilot judgment (application no. 50849/21, judgment of 23 November 2023), concerning systemic problems with judicial appointments and the status of the infamous Chamber of Extraordinary Control and Public Affairs of the Supreme Court. It was an important signal to the Council of Europe that Poland is coming back to a family of like-minded countries. The government has also changed its positions in pending cases before the CJEU.

Regaining the trust of citizens: accountability for the past

Restoring the rule of law is not only about fixing judicial institutions. It also requires renewing strong democratic practices, including public access to documents, transparent decision-making, effective legislative procedures, and merit-based recruitment for public positions. Citizens need to experience these changes as genuine and meaningful – seeing institutions work daily to build trust, improve efficiency, and solve real problems. Although these reforms may appear less absorbing than rebuilding a major institution, they play a crucial role in reshaping the relationship between the state and its citizens. In this process, the state once again becomes a shared project of all people, rather than serving the interests of an oligarchic or privileged elite.

Taking into account Polish experiences, one of the most important challenges is the process of accountability for past abuses and corruption. Already in 2016, Balint Magyar described Hungary as a "mafia state". 10 years later, the situation is even more dramatic, which is confirmed by relevant reports of international organizations, but also the position of Hungary in different rankings (such as e.g. the global Perception of Corruption Index by Transparency International – Hungary occupies place No. 84). Furthermore, voters expect accountability, and combating corruption was one of the main reasons for the change in regime. Therefore, expectations among TISZA supporters will be high, and over time the party will be judged on whether it has fulfilled its promises.

Accountability requires two key elements: effective institutions and committed individuals. With regard to institutions, accountability can be pursued through traditional mechanisms such as prosecution services, audit offices, tax inspections, and investigative committees. Over the past 2.5 years, the Polish authorities have relied on existing legal instruments to hold former politicians accountable for corruption (including use of funds for strictly political purposes) and for abusing state institutions to pursue political objectives (e.g. the use of Pegasus spyware to surveil

prominent attorneys, judges, prosecutors, and politicians).

Effective institutions

The European Public Prosecutor's Office (EPPO) may also play an important role in ensuring accountability. However, even if Hungary were to join EPPO in the near future, the institution would likely not become fully operational for at least a year. Hungarian authorities would first need to appoint a European Prosecutor and delegated European prosecutors, establish local offices, and adopt technical rules governing cooperation between the EPPO, the national prosecution service, the police, intelligence services, and tax authorities. Only after these steps are completed could one realistically expect the first investigations, arrests, and indictments on Hungarian territory. The key question is whether voters would be patient enough to wait for tangible results.

But Hungarian authorities are in a good legislative position to seek for some new institutional solutions that could tackle question of accountability, including asset recovery. An interesting example comes from South Africa, where in 2018 the Judicial Commission of Inquiry into Allegations of State Capture has been created. It was led by Chief Justice of the South African Constitutional Court Raymond Zondo. It had extensive investigative powers, interrogated hundreds of witnesses and collected extensive evidence. Later on, results of its work and recommendations were taken over by the regular prosecution service. Chief Justice Zondo has been appreciated for his work with the 2025 Rule of Law Award by the World Justice Project. When receiving it, judge Zondo said that "South Africa must not go back to State capture, because State capture is the antithesis to the Rule of Law."

Another idea is the set of instruments included into the draft additional protocol to the Warsaw Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198), to be adopted during the upcoming Chisinau Conference. It is a modern instrument, checked upon compliance with fair trial standards, providing for a possibility for the use of non-conviction based seizure and confiscation orders. It sets a number of institutions, such as financial investigation units, asset recovery offices or the possibility to undertake immediate and interim measures. Hungarian authorities could simply make an effort to set up some of those institutions directly in national legislation, especially when they are designed in accordance with fair trial standards.

Committed people

However, accountability cannot be successful without committed people, especially prosecutors and civil servants. The central question is whether people, who have actively supported or passively endured the regime of Victor Orbán throughout the past 16 years, are able to lead comprehensive and complex investigations, whether they are truly committed to the rule of law and decency in public life, whether they are able to be disconnected and independent from elites, especially in smaller cities and rural areas.

Accountability cannot include just a few most important investigations, prosecuted from the level of Budapest, with a few trusted and committed individuals. Sooner or later voters will start to ask a question about the fate of local oligarchs and corrupted FIDESZ politicians also in Eger, Miskolc or Szeged. Moreover, accountability is not only about prosecution of corrupt practices. It should also mean review of all those cases that have been dropped or discontinued over past 16 years due to political reasons. There were also many individuals who were affected by negative practices of the Hungarian state, such as intimidation campaigns, undue accusations, SLAPP cases etc. Those people, victims of the regime, would also expect some form of justice. Moreover, there could be an expectation of voters (and people affected by illiberal rule) to make some form of vetting of people responsible for running the prosecution service or other compromised state institutions.

Taking into account Polish experiences, one should remember that a number of people in the prosecution service and other state institutions may regard the Orbán era as a period of professional promotion, specialization, and recognition (just as some Polish

prosecutors and judges were beneficiaries of the Zbigniew Ziobro era in Poland). This means that accountability measures may indirectly affect their own individual choices and compromises made during that time. The question is whether, after the initial revolutionary period, they will simply do their jobs, conduct independent investigations, and promote the values of the rule of law and fair trial, or whether they will instead seek various forms of professional or formal escapism, avoid taking responsibility, and merely wait for another regime change in Hungary. There is also a risk that people loyal to the former regime (or strongly intertwined in various opaque local networks) may impede the entire process of institutional change.

Voters expect quick results

These observations and potential risks should influence political choices regarding the design of institutions, the appointment of key officials, reforms within institutions, and possible vetting and disciplinary measures. One should not wait with those reforms. At the end of the day, voters will expect substantial results in terms of accountability. They cannot be achieved without independent prosecutors preparing charges, motions to lift parliamentary immunity, and bills of indictment.

To conclude, I do believe that Hungary will be successful in its rule of law recovery and democratic transition. Good and bad experiences from Poland may provide guidance. If Hungary succeeds, it would mean a lot for revival of liberal democracy in Visegrád Group as well as in the whole European Union.

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