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# The security measure

*Theses of the PhD dissertation*

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Miskolc
2026.

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## I. Summary of the research

### 1.1. Justification of the choice of topic

When we consider the presentation of judicial enforcement law as a distinct field of law within civil procedure, it is primarily the rules governing the so-called „enforcement for satisfaction" that come to mind; this is no coincidence, as these provisions constitute the main focus of the field of law in question. At the same time, however, this means that we often overlook an aspect that is equally significant from the perspective of judicial enforcement, which precedes enforcement for satisfaction and is, in a sense, complementary to it: enforcement for security.

Whilst enforcement for satisfaction encompass the entire process – from issuing the enforcement order, through the detailed rules governing the possible courses of enforcement, right up to the execution of enforcement measures – enforcement for security, on the other hand, is concentrated in and takes the form of a single, albeit highly significant, legal institution: the security measure. This legal institution, which is preventative in nature and enforced through state coercion, is a tool available to the creditor; its focus is not on the early satisfaction of a claim expressed in a specific sum of money or asset, but on ensuring that, where the strict conditions laid down by law are met, the creditor's claim can be satisfied at a later date. Compared with the general provisions, this highly specialised enforcement procedure achieves its objective by preventing the debtor, through the prior and surprise execution of enforcement measures, from engaging in conduct designed to remove the assets at his disposal from subsequent enforcement proceedings.

The rise in the number of civil disputes and enforcement proceedings, the constant changes in the legal environment, and the increasing complexity of legal relationships between the parties are giving ever greater impetus to the procedural tools designed to ensure the effectiveness of subsequent enforcement proceedings. In this context, the security measure is of particular significance; as a preventive legal institution within enforcement law, it serves to ensure that the satisfaction of the creditor's claim at a later date is not thwarted. The role played by the security measure in enforcement proceedings makes a scholarly examination of this legal institution particularly relevant. This situation is increased by the fact that, owing to the possibility of assets being transferred rapidly, the effective enforcement of claims is increasingly encountering practical obstacles. By acting in bad faith to transfer, conceal or otherwise remove their assets from enforcement, debtors create challenges to which the enforcement law system must provide an effective response – and, in my view, this response

lies in the legal institution of security measures. The timeliness of this research is further justified by the fact that the regulation of security measures raises a number of doctrinal issues, and in this context, distinguishing them from other legal institutions is of key importance.

### 1.2. The objects of the dissertation

Given that Act LIII of 1994 on Judicial Enforcement (hereinafter: Judicial Enforcement Act) has undergone numerous amendments since it came into force, it can be concluded that one of the cornerstones of the provisions contained in this legislation is none other than the legal institution of security measures. However, despite being the embodiment of stability, it often remains obscure: at present, there is no comprehensive work in legal literature that sets out and analyses the entirety of the regulations governing security measures, nor is there a doctoral thesis based on academic research concerning it. In defining my research topic, I was guided by this objective: to produce a unique, universal study on a legal institution that has fallen into obscurity and remains unexplored from a research perspective, one that examines and presents the security measure not only at the national level but also from an interdisciplinary perspective, thereby drawing attention to the versatility of this legal institution and the benefits of its application.

To achieve all this, the aim of my thesis is to make the often-overlooked legal institution of the security measure the subject of a wide-ranging study, paying particular attention to its historical background, its specific legal regulation, a detailed analysis thereof, and a presentation of the relevant case law. In this thesis, I sought to clarify the doctrinal issues that arise in connection with security measures at both the theoretical and practical levels. A further aim of this thesis is to provide a comprehensive overview and analysis of the security measures in European legal systems selected on the basis of specific criteria. In addition to this, my thesis also aims to conduct an in-depth examination of the security measure established by the European Union, namely the account preservation order, which serves as an alternative for creditors alongside the measures laid down in the national laws of the Member States.

The aim of this thesis is to confirm or refute the five hypotheses that occurred to me at the outset of the research, based on the findings of the study. My first hypothesis concerned the historical background. Given that, prior to the entry into force of the Judicial Enforcement Act, enforcement proceedings were governed by a number of Acts, I proceeded on the assumption that the security measure is a legal institution with a long history, and so our earlier Acts have had a significant influence on our current regulations; consequently, numerous factors,

conditions and/or circumstances that are of key importance in the Judicial Enforcement Act have, in effect, defined the essential elements of security measures almost from the very beginning. With regard to my second hypothesis, my starting point is that the system of security measures regulated in the Judicial Enforcement Act is capable, within the framework of current Hungarian enforcement law, of adequately serving the preventive and protective functions of enforcement proceedings, as its purpose is to ensure the effective satisfaction of claims at a later date, to preserve the assets serving as security, and to maintain a fair balance between the interests of the creditor and those of the debtor. In my third hypothesis, I started from the premise that the security measure is a complex legal institution within the system of judicial enforcement, governed by its own specific rules; whilst it may bear similarities to measures found in other fields of law, its distinctive features and characteristics make it unique within the system of judicial enforcement. With regard to my fourth hypothesis, I posited that the legal institution of security measures, as regulated in Hungarian enforcement law, also features as a distinct form within the legal systems of individual European states, just as it does in Hungary, and that the prevailing regulatory models demonstrate, to a relatively large extent, a degree of conformity with the Hungarian provisions. My fifth hypothesis focused on the interests of the creditor and the debtor: in this context, I seek to determine whether the regulation on the account preservation order strikes a genuine balance between the creditor's interest in the satisfaction of the claim and the debtor's interest in ensuring that no abuses are committed against them during the course of the proceedings.

## II. Review of the analyses, methods, processing of sources

Given that the security measure I have chosen as the subject of my research is an extremely complex legal institution – a fact supported by my multifaceted hypotheses – its examination also requires a complex approach. After all, in my view, my research cannot be complete or sufficiently credible if I had confined my analysis solely to the framework of the current legislation. Throughout my research, I have consistently thought within a comprehensive, logically interlinked framework, and I have conducted my researches accordingly.

My research was essentially based on normative-analytical and descriptive methods, given that my thesis focuses on a comprehensive and in-depth presentation and analysis of the current regulations governing security measures. As I aimed for comprehensiveness, I also examined other relevant provisions of judicial enforcement relating to my research, the legislation of specifically selected European countries, and the account preservation order. The

overview of domestic and EU case law is particularly relevant to the discussion of the statutory provisions; to this end, I have analysed numerous court cases using a case-law analysis methodology, thereby clarifying the legal context that is essential for the interpretation of the legislation.

Using logical and systematic methods, I sought to define the fundamental substantive and procedural legal framework of enforcement law – and thus of the security measure – with a view to precisely situating this legal institution within the legal system. At the same time, I have also outlined the fundamental systematic conditions within which this legal institution can operate legitimately and achieve its stated objectives.

Given that the security measure is not a recent legal institution, it seemed highly appropriate to examine its historical background in order to outline its development. Within this framework, by scrutinising the background and provisions of the legislation of the distant past, I examined the circumstances surrounding the development of the legislation currently in force, with a view to identifying which provisions of the Judicial Enforcement Act can be substantially traced back to the structures laid down by our earlier legislation, and what impact these had on our implementing legislation.

Given that, in practice, there is considerable uncertainty regarding how the security measure differs from other legal institutions, the use of a comparative law approach appeared to be both obvious and necessary in order to provide a clear and unambiguous presentation of the content of each legal institution and then to compare them with the system of security measures. The comparative law approach is also closely linked to the European perspective of my thesis, given that in this chapter I have sought to compare the solutions adopted by certain states with the Hungarian provisions by presenting other regulatory structures. Furthermore, I adopted a critical approach with regard to European regulatory models; in addition to examining their similarities and differences, I scrutinised the general direction and applicability of the provisions laid down.

As regards the specialized literature I have consulted and analysed for my thesis, I believe that a key aspect of my research was the identification of legal sources found in the legal literature which, whilst not universal in nature and not focusing exclusively on security measures, nevertheless contained important findings and served as a starting point for defining the scope of this thesis. Accordingly, I have drawn on written works in Hungarian, including commentaries, monographs, specialized studies and articles, as well as current and previously applicable sources of law. To supplement the legal literature, I have also analysed the case law applied by the courts on several occasions. Furthermore, in order to gain an understanding of

European regulatory models and the legal concept of the account preservation order as an EU security measure, I also drew on foreign-language academic literature and international sources.

## III. Summary of the results

### 3.1. The results of the research

In the introductory section of my thesis, I outlined the reasons for my choice of topic, the aim and scope of my research, as well as its methodology and structure. In this chapter, I also set out the hypotheses to be tested during the course of the research and as a result of them.

In the first substantive chapter, I provided an overview of the fundamental issues relating to enforcement law. In doing so, I highlighted that judicial enforcement falls within the category of specific property enforcement, and that within this category, two distinct types can be identified: enforcement for satisfaction and enforcement for security. The latter may be described as „a judicial enforcement brought forward", since at this stage, in the absence of the general conditions for enforcement, it is not yet possible to order specific enforcement proceedings; nevertheless, it may be necessary to ensure that the claim is satisfied at a later date. A typical example of this is the application of a security measure.

In this chapter, I also presented the parties involved in enforcement proceedings – which also serve as a security measure – and then placed particular emphasis on the fundamental principles of the administration of justice and civil procedure, as well as on the specific principles of enforcement law. In my research on these fundamental principles, I examined the impact they have on the legal institution of the security measure and, at the same time, sought to explore the framework for interpretation and application that they provide for the security measure, within which it can legitimately fulfill its function.

I devoted the second chapter of my research to examining the historical background of the security measure, within the framework of which I was able to trace the earliest roots of this legal institution all the way back to the first half of the 19th century. I analyzed the Act XV of 1840 on the Bill of Exchange Code, the Act LIV of 1868 on the Civil Procedure Code, the Act LX of 1881, Hungary's first independent act on enforcement, and, following the change of regime, Decree-Law No. 21 of 1955 and Decree-Law No. 18 of 1979.

I believe that the focus of my dissertation lies in Chapter 3, which examines the current regulations governing security measures. Prior to analyzing the specific detailed rules of the measure – and taking into account its logically structured framework – I outlined the stage at

which enforcement is ordered, paying particular attention to the examination of the general conditions for enforcement, since the law provides for the ordering of a security measure only if these conditions are not met. At the same time, this is where the statutory „dividing line" lies, beyond which general regulations are superseded by special provisions. I sought to fill the gap in legal literature regarding the definition of the concept of a security measure; thus, I undertook to define this legal institution and conducted an in-depth analysis of its key conceptual elements, the absence of general conditions for enforcement, and the risk to the claim. I presented the general and specific conditions for ordering a security measure, and then provided a comprehensive analysis of the regulations governing the two types of this legal institution: the securing of monetary claims and the seizure of specific property. I also addressed cases of expiration and termination, as well as the security measure available in payment order proceedings. Throughout my research, I paid particular attention to balancing the interests of the creditor and those of the debtor, as well as to studying the relevant case law, from which I sought to draw targeted conclusions

In the fourth chapter of my dissertation, dogmatic issues take center stage; to address these, I conducted a comparative legal analysis that reflects a multifaceted, interdisciplinary approach. I examined the provisional measures found in civil procedure law, the registration of a lawsuit in land registry proceedings, the attachment applicable in criminal proceedings, and the security measures used in tax authority enforcement proceedings. In my view, with regard to these legal institutions, the essential common thread is their nature and their coercive force. In addition, based on legal practice, I distinguished between the two types of security measures and also drew a distinction between the legal institutions of seizure of a specific item and attachment.

In Chapter 5, I conducted a comparative analysis of European legal systems, within the framework of which I examined the safeguards found in the legal systems of Germany, Belgium, and England and Wales based on a targeted selection, placing particular emphasis on identifying the specific characteristics of these provisions and the differences between them and the provisions set forth in the Judicial Enforcement Act.

I devoted the sixth chapter of my research to a comprehensive examination of the provisions governing the account preservation order as a security measure under EU law. In this chapter, I have reviewed the historical background of the regulation, its provisions – which are grounded in strict principles and covered by a wide-ranging regulatory framework – the stringent conditions for issuing an account preservation order, and the rules governing decision-making, recognition, enforcement, and enforceability, as well as the extensively developed

system of legal remedies; furthermore, I have devoted special attention to the practical aspects of the account preservation order. In this context, I also examined cases under Hungarian and EU law.

In the seventh chapter of my dissertation, which contains concluding remarks, I summarized the findings and conclusions of my research, my recommendations regarding the regulation, and the answers to my hypotheses.

The primary aim of this dissertation was to support or refute the hypotheses outlined in the objectives. In the following, I present my findings and conclusions resulting from my analysis and research, as well as my recommendations regarding the regulation:

1. In analyzing the fundamental principles of the administration of justice and civil procedure, I have concluded that the majority of these principles (such as judicial independence, the principle of concentration of proceedings, the court's role in facilitating the proceedings, the principle of disposition, and the principle of adherence to the petition) are applied in judicial enforcement – including in proceedings for security measures – only to a limited extent or with specific modifications, taking into account the unique characteristics of such proceedings.
2. As regards to the specific principles of enforcement law, in my opinion, the legal institution of security measures is most significantly influenced by the principles of coercive enforcement, graduality and proportionality, the primacy of the creditor's interests, limited debtor protection, and the effectiveness of enforcement proceedings. The limits on state coercion are defined by the principles of graduality and proportionality. The primacy of the creditor's interest embodies the purpose and function of the security measure (the satisfaction of the claim at a later date); however, this must not result in the debtor's loss of ability or willingness to perform. The most important functional basis of this legal institution is the principle of the effectiveness of enforcement proceedings, which captures the substantive purpose and objective of the measure.
3. I believe that the fact that the vast majority of the fundamental provisions concerning security measures have been in effect since the date the Judicial Enforcement Act entered into force shows that this legal institution is a constant part of enforcement law – a fact explained by the continuous, coherent, and cumulative development of the body of law governing security measures.
4. In my opinion, a security measure can be defined as follows: a security measure is a preliminary, security-type measure ordered by the court (notary) at the request of the

creditor, which is intended to facilitate the satisfaction of the claim and the success and effectiveness of the subsequent enforcement, in such a way that if, prior to the enforcement for satisfaction, the creditor has reasonable grounds to believe that the satisfaction of his claim at a later date is in danger due to the debtor's bad faith behavior and actions, by securing the claim, it guarantees the fulfillment during the enforcement for satisfaction.

5. Considering the circumstances under which security measures may be ordered, I believe that the provisions of the law cover a broad spectrum – I find this observation to be particularly true with regard to security measures available during litigation.

6. I believe it is worth considering incorporating into the regulations a provision allowing the debtor to challenge the continuation of the measure through judicial review by invoking a material change in circumstances that occurs after the measure was ordered.

7. According to established judicial practice, the two types of security measure cannot be conflated, nor can the form of the measure be chosen at will: the nature of the claim determines which type of security measure is appropriate in a given case.

8. By its very nature, a security measure restricts the debtor's right to dispose of his assets; in response, current regulations establish, as safeguards, the obligation of the creditor to provide an advance payment of costs and to compensate for damages resulting from a request filed in bad faith. At the same time, these provisions do not provide an advanced protection in cases where the ordering and the enforcement of a security measure would cause such significant harm to the debtor's assets that it could not be remedied later, or could be remedied only at a disproportionate cost. For this reason, in my view, it would be appropriate to consider whether the court, in exercising its discretion to order the security measure, in exceptional cases, to the obligation of the creditor to provide security – for example, by court deposit or providing a bank guarantee, as determined by an assessment of all the circumstances of the case.

9. Our Enforcement Act does not provide for the possibility of lifting a seizure by the debtor providing other, adequate security – therefore, it is worth considering incorporating such a provision into the law, similar to the provisions set forth in the Act on the Execution Procedures to be Carried Out by the Tax Authority and the Civil Procedure Code.

10. I have concluded that the security measure is one of the legal institutions of enforcement law in which preventive and guarantee-based characteristics are embodied simultaneously, complementing one another and existing in parallel. On one hand, it ensures the subsequent satisfaction of the creditor's claim through state coercion (enforcement coercion); on the other hand, it also prevents the state intervention applied during the enforcement of this legal

institution from taking on an absolute character (proportionality and graduality). Given the special nature of the security measure, which may be used only in exceptional cases, there is a particular need to maintain a balance between the creditor's interest in satisfying the claim for which enforcement is sought and the debtor's interest in ensuring that the application of this legal institution does not result in the debtor's complete ruin – a balance that the Judicial Enforcement Act achieves by enacting numerous safeguards. Overall, I believe that the security measure is not merely an „incidental tool" of enforcement law, but rather, on the contrary, one of the essential guarantees of the enforceability of claims and the effectiveness of enforcement proceedings.

11. With regard to the distinction between a security measure and a provisional measure, the legal practice has been unable to identify the criteria that would serve as a guide for distinguishing between these two legal institutions.

12. In my opinion, it is justified to regulate security measures and provisional measures under separate systems, given the different purposes of these legal institutions and the legal frameworks governing their application.

13. In my view, the issues of demarcation arising from the distinction between securing a monetary claim and the seizure of a specific item stem from the fact that, in the course of the securisation of a monetary claim, the legislature authorizes the bailiff to seize the debtor's assets if the debtor has failed to comply with the bailiff's demand to pay the amount of money subject to the security measure. As a result, the debtor's immovable property may easily be seized, and it may also be subject to a specific attachment of immovable property.

14. Although the legal literature I have reviewed clearly defines attachment in criminal proceedings as a „coercive measure," in my view, even if it is not explicitly mentioned, this legal institution also qualifies as a quasi-security measure.

15. If the debtor is a legal person, a complete freeze on its account may prevent certain payments, the failure to make which could ultimately render the debtor's operations impossible. To address these concerns, it may be worthwhile to incorporate the legal mechanism for authorizing payments – as regulated in the Act on Tax Administration and the Regulation of Tax Administration – into judicial enforcement law, taking into account the specific regulatory characteristics, as an additional safeguard for the debtor.

16. Based on my theoretical analysis and a review of the relevant case law, I have concluded that a security measure cannot be regarded as a specific legal institution of judicial enforcement, since its application and applicability cannot be confined solely to the framework of it.

17. I have determined that Germany, England, and Wales define the security measures available as part of interim relief, set forth their regulations in their Codes of Civil Procedure, and do not distinguish between monetary claims and claims for specific property.

18. In my opinion, compared to the legal concept of the burden of proof found in Hungarian law, the regulations in England and Wales require that a much smaller number and lower standard of conditions be met for an order to be issued.

19. In the course of my review and comprehensive analysis of the European order for account preservation, I have concluded that the security measure established by the Union is capable of greatly facilitating the satisfaction of claims in cross-border enforcement proceedings. It achieves all this by placing in the creditor's hands a measure regulated with almost „draconian strictness," through which security for the claim may be available even before the debtor becomes aware of it.

20. I believe that the extremely high standard of proof required for an account preservation order cannot be met in every case, and although it may be characterized as „necessary wrong," it may nevertheless deter the creditor from availing itself of the security measures offered by the regulation and lead it to turn instead to the measures provided by national law.

21. In my view, the regulation strikes an appropriate balance between the creditor's interest in the prompt satisfaction of its claim and the debtor's interest in avoiding complete financial ruin. While the creditor's interests are safeguarded by, among other things, the ex parte nature of the proceedings, the mandatory use of standard forms, and tight deadlines, the debtor, on the other hand, faces a narrow scope of application, the creditor's broad obligation to provide evidence (and, in certain cases, to provide security), the rules governing the acquisition of account information, and the comprehensively regulated system of legal remedies all qualify as debtors' protection mechanisms.

### 3.2. The answers to the hypotheses

The following section presents my responses to the hypotheses:

- First hypothesis: ***Given that, prior to the Judicial Enforcement Act. coming into effect, enforcement proceedings were governed by numerous laws, and since the security measure is a legal institution with a long history, our earlier laws have had a significant impact on our current regulations. Consequently, many of the key factors, conditions,***

***and/or circumstances set forth in the Act have defined the essential elements of security measures almost from the very beginning.***

I believe that our previous laws placed a strong emphasis on the legal institution of security measures, which is best illustrated by the fact that, in my view, each of the previously enacted Acts added some value to the regulatory framework, which later, during the period of the Judicial Enforcement Code, coalesced into a complex system of rules. We owe to the Bill of Exchange Code of 1840 the scientifically grounded distinction between enforcement for satisfaction and enforcement for security, the introduction of official receiver, and a condition of enforcement for security that remains of significant importance even today: the existence of a risk to the obligation. The Civil Procedure Code of 1868 already devoted a separate chapter to the legal institution of security measures, in which the assessment of risk, the obligation of the creditor to advance costs, and the basic conditions for ordering such measures were also established. Our first independent code of enforcement law, the Judicial Enforcement Act of 1881, declared for the first time that „security" centers on a claim for cash, whereas a seizure relates to a claim concerning a specific item or right. The Decree-Law of 1955 established the terms – still in use today – for the two types of security measures and introduced the order of priority to be followed in their enforcement, while the Decree-Law of 1979 elevated to the level of law the authority to order security measures in matrimonial property disputes, as well as against general partnerships and limited liability companies. In my view, the legal framework governing this legal institution has never been as well-developed and detailed in the history of insurance law as it is under the Judicial Enforcement Act today – and this is all thanks to the approaches and efforts of previous legislators.

- Second hypothesis: ***The system of security measures regulated in the Judicial Enforcement Act is suitable for adequately fulfilling the preventive and guarantee functions of enforcement proceedings within the framework of current Hungarian enforcement law, as its purpose is to ensure the effective satisfaction of claims at a later date, preserving asset coverage, and maintaining a fair balance between the interests of the party and those of the debtor.***

After examining the current regulations governing security measures, I have concluded that the second hypothesis is correct. Although the essential function of the measure is to prevent the debtor from removing assets under his control from enforcement proceedings, I believe that, at

the same time, we cannot overlook the need to ensure that the enforcement of security measures is based on legal grounds. By all this, I mean that the regulations must be sufficiently clear and robust to prevent any irregularities that might arise even on the part of the creditor. In my view, the provisions set forth in the Judicial Enforcement Act are indeed suitable for preventing this, given that in the case of a security measure requested in bad faith, if the proceedings conclude without a judgment against the debtor, the creditor must reimburse not only the full amount of the enforcement costs but also the monetary value of the total damages caused to the debtor. On the other hand, I also consider it important that this legal mechanism – which is intended to protect the interests of the entitled parties and preserve the basis for satisfying the claim – not lean excessively in favor of just one side. Thus, it should not place the creditor in an unduly privileged position by assigning the debtor an overly subordinate role in ensuring that the party's claims are met, nor, at the same time, should it protect the debtor – who is already vulnerable in both legal and financial terms due to state coercion – to such an extent that it hinders the creditor from enforcing their claim. Based on all of this, I believe it is justified to have a stable set of rules in place, which the current legal framework fully meets.

- Third hypothesis: ***The security measure is a complex legal institution within the system of judicial enforcement, governed by its own specific rules; although it may bear similarities to measures found in other areas of law, its distinctive features and characteristics make it unique within the system of judicial enforcement.***

With regard to my dogmatic analyses, I believe that the hypothesis I set forth at the outset of my research has been only partially validated, since, in my opinion, a security measure cannot be considered a distinct legal institution of judicial enforcement. Although my research confirms that legal institutions quite similar to security measures exist in numerous areas of law – including civil procedure, criminal procedure, tax administration, and land registry proceedings – these fields of law cannot be equated with judicial enforcement. In conclusion, I believe that a security measure can be regarded, in a narrower sense, as an enforcement proceeding, while in a broader sense, it can be considered a specific legal institution within the legal system.

- Fourth hypothesis: ***The legal institution of security measures, as regulated in Hungarian judicial enforcement, also appears as a distinct category in the legal systems of various***

***European countries, just as it does in Hungary, and the prevailing regulatory models largely reflect a high degree of consistency with Hungarian provisions.***

After examining the relevant provisions of Germany, England and Wales, and Belgium, I believe that the regulatory models to be followed in the countries I selected and Hungarian implementing law exhibit, in some cases, striking differences and, in others, significant similarities; thus, my hypothesis has not been confirmed. With regard to the place of the security measure within the legal system, the hypothesis set before my research seemed to be overturned during the analysis of the legal regulations of Germany and England (Wales), since the fundamental characteristic of both models is that security measures do not appear separately in the legal system, but as a tpart of provisional measures. This statement applies in particular to the provisions of England (Wales), which belong to the Anglo-Saxon legal tradition, since in the relevant legislation, this legal institution is not even included in enforcement law but rather among the rules governing civil litigation, whereas the German Code of Civil Procedure addresses security measures available in enforcement proceedings. In contrast, the Belgian law – although not in a separate statute but rather integrated into the Code of Civil Procedure, yet still in a distinct form – provides for the legal institution of security measures that prioritize the protection of the creditor's interests, thereby showing a high degree of alignment with Hungarian law.

With regard to the types of security measures, while the Hungarian Judicial Enforcement Act provides for the securing of monetary claims and seizure, Germany, as well as England and Wales, recognize the legal institution of seizure (Arrest, freezing injunction) but do not regulate the securing of monetary claims as a separate subtype. It can be concluded, however, that – bearing in mind the specific purpose and function of security measures – all three states prefer expedited proceedings, setting tight deadlines for decision-making regarding security measures and for the implementation of the resulting enforcement actions. Furthermore, the states I examined also include provisions guaranteeing debtor protection (such as the right to legal remedy and liability structures).

Based on all of the above, I believe that two models with different approaches are emerging. The German and the English-Welsh models situate insurance-type measures within a broader system of provisional legal protection, but implement them using different doctrinal and procedural tools. In contrast, Belgian law follows an approach that is closer to Hungarian law: it treats the seizure for security purposes (a quasi-attachment) as an institution with a specific function distinct from enforcement proceedings. A common feature of both models,

however, is that they respond to the risk that the claim may not be satisfied at a later date and seek to preserve the asset collateral prior to enforcement proceedings. In my opinion, the reasons for the differences identified lie primarily in the differing development of the law, the characteristics of the legal families, and the diverse legal traditions.

- Fifth hypothesis: ***The account preservation order strikes a true balance between the creditor's interest in satisfying the claim and the debtor's interest in ensuring that no abuses are committed against him during the proceedings.***

The results of my research show that this hypothesis has been confirmed. In my view, the account preservation order pays particular attention to the debtor's vulnerable position – which can seem almost oppressive – and places great emphasis on the comprehensive inclusion of the provisions regarding the protection of the debtor in the regulation. The scope of the regulation excludes certain areas of law from the application of an account preservation order, thereby significantly narrowing and limiting its use, which may work in the debtor's favor. The creditor's burden of proof – in the absence of a judgment, court settlement or authentic instrument – also guarantees the debtor's protection, since within this framework, the creditor must demonstrate that he has a reasonable chance of obtaining a decision in his favor that would require the debtor to fulfill the claim. Another aspect related to this situation is the creditor's obligation to provide security, a measure that serves, on one hand, to deter the filing of unfounded claims and, on the other hand, to prevent the debtor from becoming economically unviable. In this context, it should also be emphasized that, with respect to the same claim, the creditor has only one opportunity to apply for an account preservation order against the debtor; if this does not result in a favorable outcome for the creditor (i.e., if the decision is denied and any subsequent appeal is also unsuccessful), the creditor may no longer seek to enforce a preservation order against the debtor under EU law. The fact that bank secrets disclosed to the court following a request for account information cannot be disclosed to the creditor can also be regarded as a safeguard for the debtor, as can the requirement that the creditor must initiate the release of funds frozen in excess of the amount to be frozen within three business days. Furthermore, in my view, perhaps the most relevant debtor protection measure in the regulation is embodied in the comprehensive system of legal remedies available to the debtor. After all, the debtor may file an appeal against both the account preservation order and its enforcement: while, with regard to the order itself, the debtor may request its modification or revocation under the conditions specified in the regulation, the debtor may also request the restriction or

termination of its enforcement. Given that the regulation includes numerous provisions designed to protect debtors, it is capable of providing adequate protection – against the extremely stringent measures available to creditors – not only to the debtor but also to the debtor's assets and financial situation.

## IV. List of publications

- **Móricz, Aliz:** Biztosítási intézkedés a magyar végrehajtási eljárásban. In: *Studia Iurisprudentiae Doctorandorum Miskolciensium – Miskolci Doktoranduszok Jogtudományi Tanulmányai*. Miskolci Egyetem Állam- és Jogtudományi Kar, 2022/1. p. 249-266.
- **Móricz, Aliz:** Gondolatok a biztosítási intézkedés és az ideiglenes intézkedés elhatárolásáról. In: **Jámborné Róth, Erika (ed.):** *Doktoranduszok fóruma, 2021*. Miskolci Egyetem Állam- és Jogtudományi Kar, 2022. p. 67-70.
- **Móricz, Aliz:** A biztosítási intézkedés jogintézményének főbb sarokpontjai az adóvégrehajtási eljárásban. In: *Fontes Iuris*, 2023/2-4. p. 71-80.
- **Móricz, Aliz – Erdős, Éva:** A biztosítási intézkedés szerepe az adóvégrehajtási eljárásban. In: *Publicationes Universitatis Miskolcinensis Sectio Juridica et Politica*, 2023/2. p. 31-49.
- **Móricz, Aliz – Darai, Péter:** Az adóvégrehajtás térülési rátájával kapcsolatos összefüggések. In: *Gazdaság és Jog*, 2025/7-8. p. 45-54.
- **Móricz, Aliz:** Dogmatic issues of security measures in judicial enforcement. In: *Studia Iurisprudentiae Doctorandorum Miskolciensium – Miskolci Doktoranduszok Jogtudományi Tanulmányai*. Miskolci Egyetem Állam- és Jogtudományi Kar, 2025/2. p. 183-206.
- **Móricz, Aliz:** Differences and similarities between security measures in judicial and tax enforcement proceedings. In: *Debreceni Jogi Műhely*, 2025/3-4. p. 157-184.
- **Móricz, Aliz – Kaposvári, Lóránt:** Gondolatok az ideiglenes biztosítási intézkedés elrendeléséről. In: *Adóvilág*. https://adovilag.hu/2025/12/05/gondolatok-az-ideiglenes-biztositasi-intezkedes-elrendeleserol
- **Móricz, Aliz:** The past and the present of security measures in tax enforcement proceedings. In: *Publicationes Universitatis Miskolcinensis Sectio Juridica et Politica*, 2025/2. p. 183-206.
- **Móricz, Aliz:** Security measures in judicial enforcement and criminal proceedings. In: *Publicationes Universitatis Miskolcinensis Sectio Juridica et Politica*. 2026/1. (In progress)
- **Móricz, Aliz:** Security measures in the European Union: issues of the account preservation order, with particular regard to the Hungarian legislation. *Austrian Law Journal*. (In progress)