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Michal Považan
(Comenius University in Bratislava)

To question the existence of authorities to prosecute crimes and represent the state in the Medieval Kingdom of Hungary[1]

Abstract

Nowadays, the office of public prosecutor is the commonly accepted legal institution in the Western legal culture. Its existence is understood as something taken for granted. This was different in the Middle Ages. At first, the criminal trial proceedings were not distinguished from the civil ones, and therefore they were conducted on the basis of the same fundamental principles. There was no public authority engaged in instituting the criminal trial. The latter had to be instituted by private individuals who were the injured parties. This had an impact on the forming of the concept of crime which was not viewed as an offence against the society or the State but against the injured individual. The paper is concerned with the medieval Kingdom of Hungary and discusses the development of State structures, criminal substantive law and the criminal procedure.

Key words: prosecution, Kingdom of Hungary, Middle Ages, *crimen publicum*, criminal law, trial

Słowa klucze: prokuratura**,** Królestwo Węgier, średniowiecze, *crimen publicum*, prawo karne, proces

1. Introduction

The office of public prosecution is defined differently across various countries, regarding the legal tradition, the degree of development of legal theory and the practical experience with it. Legal definition of the office of public prosecution is a matter of change in time.

In general, the legal institution of the office of public prosecution is understood as "office of justice to protect rights and legitimate interests of natural and legal people; to prosecute crimes and, in some countries, is also supposed to cooperate in civil matters, as well as the supervising authorities in the judicial administration".[2]

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[2] F.X. Veselý, *Všeobecný slovník právní*, Heslo: *Zastupitelství státní*, Praha, 1900, p. 727, and *Constitution of Slovak Republic*, published as 92/1992 Zb., article 142.

In Slovakia, the scope of the office of prosecutor, as defined in § 4 point 1 Act no. 153/2001 Z.z. on the office of public prosecution, as amended, under which it can be defined as a public authority, which

1) has been established to prosecute those suspected of committing criminal offenses and supervise the legality before prosecution itself;

2) represents the state in legal proceedings;

3) supervises the maintenance of legality and public authorities, and also

4) is to supervise the observation of legality in places where people who are deprived of their liberty are held, or whose liberty is restricted.

Under this provision, definitions of the legal institution of office of public prosecution can be derived for the needs of our research, and detect 4 main conceptual features, which we identify in the existing legal institutes in Slovakia until 1526 afterwards, with the aim of describing the development of predecessors of institute of prosecution in the period currently under observation.

When we confront defined conceptual features with general knowledge of the legal history of Slovakia until 1526, it is clear that the research subjects will only be the first three elements. This is mainly connected to the fact that the modern concept of prison was not developed until the beginning of the 19th century there.[3]

For these reasons, it is particularly important to study criminal law, procedural and constitutional law currently in effect during this period. It is inextricably linked to the existing judicial system of that era, of which the first two conceptual features of prosecution are connected.

To research the legal institute office of public prosecution and its predecessors it is to understand that this is only possible if written sources of law exist. The overall research in the field of legal history largely depends on the written seizures and other substantive sources of law have only supportive roles as the source of knowledge.[4]

If we consider the existence of written materials as *conditio sine qua non* for legal research, we are able to study only a part of the protostate/state entities which existed in the past in Slovakia, namely: Samo's Empire, Principality of Nitra, Great Moravia, Kingdom of Hungary.

2. Conceptual features of the office of public prosecution in the protostate/state entities in Slovakia until 1526

2.1. Samo's Empire

The first formation in Slovakia with at least a few characteristics of state and about which some written materials are preserved is Samo's Empire, which existed probably in 623–658.

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[3] For more information, see i.e.: B. Mezey, *Počiatky modernej uhorskej väzenskej správy*, Vydavateľstvo Prešovskej univerzity, Prešov 2011.

[4] For more information, see i.e. Š. Luby, *Dejiny súkromného práva na Slovensku*, (reprint) IURA EDITION, Bratislava 2002, p. 43.

We can consider Samo's Empire as a temporary unification of Slavic tribes formed against the external pressure of Avars. From a legal-historical perspective, we can state that based on such preserved written documents as *Povesť vremennych liet* and *Fredegars Chronicle*, that this "empire" was a supratribal formation and its existence was linked to person of its founder. From the text of *Fredegars Chronicle*: "Vinides, recognizing Samo's usefulness, elected him king and he reigned for 35 years" and others,[5] we can derive the conclusion that power was concentrated in the hands of the ruler, who was supported by his military men. Probably these wese a people's assembly (vecha) with judicial and advisory function.[6]

Samo's Empire was an unstable political entity with underdeveloped structure of state institutions and no administrative body resembling the office of public prosecutor as it is known now.

2.2. Principality of Nitra and Great Moravia

After the decline of Samo's Empire, its territory was disintegrated, and smaller tribal principalities were created, which later merged into bigger entities. At the beginning of the 9th century, the Principality of Nitra started to dominate Slovakia. We do not have enough written documents from this era to be able to widely discuss its state structure or legal institutions resembling conceptual features of the office of public prosecutor.

Around 829/830, the Principality of Nitra was occupied in the war with the neighboring Moravian Principality, and became part of Great Moravia. The state probably existed between 829/830 and 906/907 under the rule of a dynasty named after its founder, Mojmír I. We can say with certainty about Great Moravia that it was a state. It met all three basic conditions: defined territory, population and effective state power over the territory and the people.

Great Moravia, based on surviving written materials, had a system of governance. We have preserved legal documents from this period, such as *Provisions of the Holy Fathers* and *The Trial Code for People*. From the perspective of law, sermon *Exhortation to Rulers* is of great importance too.

According to the *Fulda Annals* of 849, the sources of law of Great Moravia were distinguished as statutory laws and customs.[7]

All three documents pointed out that the ruler – prince/king – was also a judge. From some articles of *The Trial Code for People,* it can be derived that the ruler didn't have to judge himself, but he could delegate his powers to another person.[8] Anyway, there is

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[5] *Fredegars Chronicle (623–658)* [in:] *Pramene k dejinám Slovenska a Slovákov*, II, Literárne informačné centrum, Bratislava 1999, p. 125.

[6] J. Beňa, T. Gábriš, *Dejiny na území Slovenska I (do roku 1918)*, Vydavateľské oddelenie Právnickej fakulty Univerzity Komenského, Bratislava 2008, p. 18.

[7] For more information see F. Sivák, *Dejiny štátu a práva na území Slovenskado roku 1918*, Vydavateľské oddelenie Právnickej fakulty Univerzity Komenského, Bratislava 2008, p. 17.

[8] According to Ján Holák: „The supreme judge in Great Moravia, was a prince. Minor disputes were judged by župans and representatives of the Church". J. Holák, *Beda odsúdeným. Ako sa za feudalizmu súdilo na Slovensku*, Osveta, Bratislava 1974, p. 9.

an apparent fusion of executive and judicial powers (it is probable that there was, at least partly, a fusion with legislative powers as well).

Procedural issues are discussed only in articles 2 and 7 of *The Trial Code for People;* other provisions are of substantive nature.

Article 2 says: "The ruler or the judge must hear at least several witnesses before the beginning of the trial on any dispute, claim or denunciation. It should be said to plaintiffs and accusers: If you can not, with the help of your witnesses, prove your case as it is demanded by God's law, expect to receive the same punishment you've asked for the accused. So God's law commanded and who does not keep it, let him be accused".[9]

Article 2 distinguished ruler and a judge first, and also refers to private substance of criminal procedural law. As in Roman law, law in Great Moravia was not aware of public action, we have no mention of the body which would represent the state during a criminal trial and supervise the legality of the exercise of the government.

In this regard, it is necessary to understand the patrimonial essence of the states at that time. While in the Roman principate, Roman territory was divided into that which belonged to the Roman state and was governed by the Senate and was a private property of the emperor, in Great Moravia (and similarly in the early feudal Kingdom of Hungary), the whole state is considered to be the private property of the sovereign. Because of all this, there was no need to have an institution such as the office of public prosecutor to represent the state in criminal trials or to defend the interest of the state in all other trials.

2.3. The Kingdom of Hungary until the defeat of Mohacs

At the end of the 9th century, nomadic Hungarian tribes began to move into the Carpathian Basin and it, among other factors, contributed to the decline and extinction of the Great Moravian Empire. Hungarian tribes settled largely on flat areas around middle Danube and often organized raids to the more distant countries of Europe.

In Slovakia, despite the termination of the central government, organized life continued in several major settlements. Due to the lack of written sources, we can only assume that during the 10th and the first half of the 11th century, Slovakia changed the sovereign from the Hungarian Arpad dynasty to Czech Přemysl dynasty and to Polish Piast dynasty. Finally, around year 1030, Slovakia was integrated into the emerging Kingdom of Hungary under the rule of Stephen I.[10]

Hungarian Arpad dynasty ruled the country until the extinction of the male lineage in 1301, after the death of the last Arpad king, Andrew III. After a short intermezzo with several possible successors to the throne and the fragmentation of the country by several oligarchic families, Anjou dynasty came to the throne. It was replaced during the second half of the 14th century by Sigismund I of the House of Luxembourg. After more than half a century of his rule, several short-lived monarchs came to the throne. Finally, in year 1456, the Hungarian diet elected Mathias of the House of Hunyadi as king. He was later known as Corvinus. Under his rule, medieval Hungary reached its last high rise.

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[9] Quoted according to R. Marsina a kol., *Pramene k dejinám Slovenska a Slovákov*, II: *Slovensko očami cudzincov* Translated by the Author. Literárne informačné centrum, Bratislava 1999, p. 197.

[10] F. Dvořák, *Zrod střední a východní Evropy*, *Mezi Byzancí a Římem*, PROSTOR, Praha 2008.

After his death, Jagiello dynasty took the throne and their rule ended in 1526 by the devastating defeat at Mohacs, in which king Louis II died and with him the dynasty's male line died out. This marks the beginning of a gradual Ottoman occupation of the country and the start of the rule of the House of Habsburgs, whose head had never been present in Hungary, and thus the royal court as a center point of the State diminished. Of course, it did not exist only in a material sense, in a legal sense it was maintained since the individual functions of the Court were still occupied while their carriers gradually lost real power in favor of the king's office, based in Vienna.

Hungary in the Middle Ages experienced the long reign of one native dynasty and several unsuccessful attempts to establish a new long-ruling dynasty. All such attempts ended in the second or the third generation.

Several times in the Middle Ages, Hungary became a military and economic power in Central Europe: at the turn of the 12th and 13th century, during the reign of the House of Anjou and during the reign of Mathias I Corvinus.

Since the establishment of the country, administrative and judicial systems were gradually built. In the sense of the medieval concept of patrimonial state, the sovereign was the ruler and the supreme judge of the country. Gradually, patrimonial essence of the state had faded, and the personality of the sovereign and state were divided, thus the state could be understood as an independent entity. Nevertheless, until 1526, the sovereign was considered the country's highest court, although he performed his judicial prerogatives very rarely and was usually represented by his appointed officials.

2.3.1. Development of the state, law and justice in the Kingdom of Hungary

In terms of constitutional history of the Kingdom of Hungary until 1526, we talk about:

1) patrimonial state (1000–1200),
2) feudal fragmentation (1200–1400), and
3) monarchy of Estates (1400–1526).

2.3.1.1. Patrimonial monarchy

Early feudal Hungarian monarchy, i.e. patrimonial state period took place between 1000–1200 AD. The concept of patrimonial state means that in a theoretical sense, the owner of the state was the sovereign, and therefore the state was his private property, which could be lent to individual subjects into tenancy. Exercising the state power was the exercise of a private owner who had the dispositional rights to his property.

Of course, this concept is a general theoretical construct, even during the first kings, when there were lands inside the country that were not assigned as a fief to individual subjects, but they were in their original ownership.[11]

The private nature of the patrimonial state determined a shape of state constitutional law. The highest legislative, executive, judicial and economic power was accumulated in the hands of the monarch. There was a royal council with mainly advisory capacity. Royal office as a central administrative body arose only in the 12th century.[12]

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[11] For more information see J. Beňa, T. Gábriš, *Dejiny na území Slovenska I...*, p. 68.

[12] For more information see M. Lysý, *K otázke vlastníckych vzťahov v Uhorsku v 11. a 12. storočí* [in:] *Proměny soukromého práva. Sborník příspěvkú z konference ke 200. výročí vydání ABGB*, Masarykova Univerzita, Brno 2011, p. 27–35.

"In accordance with the theory of a Christian king (ruler), he was a founder and principal source of justice. His judical power applied to the whole country and was applicable to all persons. The king could decide on any legal matter, whatever the case, he might have started to decide or delegated his powers to his appointed people".[13]

During this period, the system of court officials, who held the most important positions in the country, was created.[14] Of these two: Palatine and country's judge represented ruler as judges in his absence. Judicial power was partially separated from the performance of other powers, but since the king was the source of executive, judicial and legislative power, the separation was not, and could not, be complete.[15] The performance of the judiciary was one of the most important prerogatives in the Hungarian patrimonial state.

It is possible that Stephen I already established rural justice associated with the Royal Court, where jurisdiction was carried out by *iudices regii* in order to suppress tribal justice system. Ladislas II had established the institute of royal judges *biloti regales* who also had universal jurisdiction to fight tribal justice system and blood revenge, and with this method, to strengthen the central power. With the gradual development of local feudal courts, the institute was abolished in the 12th century.

Power was centralized, and due to the concept of patrimonial state, one should not even be talking about state government or self-government. Royal power in different parts of the country was represented by the traveling king himself, or by his representatives. The country was divided into *royal comitates*, which were managed by the *span* appointed by the king. However, they administered them as the king's private property.

2.3.1.2. Feudal fragmentation

At the end of the 12th century, central royal power began to weaken, and therefore from until 1400, we talk about the gradual transformation of the patrimonial state to monarchy of Estates. The specific transitional period between 1200 to 1400 is known as the time of feudal fragmentation. This does not mean that the powerful monarchs of this period did not seek to reinforce their power, but these attempts were not successful, although strong Anjou dynasty achieved several significant accomplishments.

This gradual process affected the whole society and its structure. The changes affected the system of law and its implementation, and this transformation gradually changed the structure of judicial authorities. Besides feudal local justice, a system of aristocratic and town courts were created.

Power was, with the downsizing of the royal territories as a result of donations, gradually moved into the hands of feudal lords, whose power had increased so much that they forced Andrew II in 1222 to sign the Golden Bull, which marked the limitation of the royal power and the emergence of the Hungarian diet initially as advisory body, but at the turn of the 13th and 14th century, as a body with some legislative powers.

After the Golden Bull, the position of Palatine significantly strengthened. The Palatine received extensive judicial powers in the Bull. According to the Bull, the Palatine "judges

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[13] I. Stipta, *Dejiny súdnej moci v Uhorsku do roku 1918*, nica, Košice 2004, p. 16.

[14] So called *veri barones regni* – real barons of the country.

[15] I. Stipta, *Dejiny súdnej moci...*, p. 16.

the entire population of our country regardless of his position, but a trial of aristocrats, if it results in their execution or property loss, should not be decided without the knowledge of the King [...]".[16] Similarly, the position of the court judge was enhanced, which increased even further under the decisions of king Belo IV and court judge became country judge.

The King excercised his judicial powers more and more rarely, but still the principle was applied that the king might begin to take over or to stop any proceedings independently and against the will of other judges.

At the same time, *aristocratic comitates* were created. It was an organization of the nobility in the territories of *royal spanstvo*, which gradually acquired municipal rights and expanded their power and independence from the king.

This trend was slowed down by Anjou kings, who stopped to convene the diet and replaced it with the wider royal council, to which they invited representatives of recently created *aristocratic comitates* faithful to the dynasty.

During this period, the complexity of court officials and the importance of the royal office were gradually increasing.

The sovereign retained direct jurisdiction over the oligarchs. The king was represented by a palatine in *palatinal congregations* to judge disputes of lower nobility. The first such congregation was documented in 1273, in Zala County. Due to the necessity of judging disputes of lower nobility more often than once per several years, lower nobility started to judge themselves in *county congregation*s. Legal Article 26 from 1298 introduced a legal authority for counties to judge disputes of lower nobility and serfs in the second instance.

King Louis I limited the jurisdictions of Palatine again, who could only judge in the royal court again. During the reign of Sigismund I, the palatinal congregation was finally abolished.

Despite the gradual decline of the position of the king as the supreme judge in real performance, the general legal principle that the monarch could decide on any matter still maintained. An expression of this principle is the institute of pardon, which survived to the present.[17]

Serfs in this period were gradually understood within the population as a single group, and according to the records of *Oradea register*, since in the 13th century they were judged in the first instance by their landlords and in the second instance by *county congregation*.

2.3.1.3. Monarchy of Estates

The period of the monarchy of estates dates from around the early years of the 15th century and lasted until the Battle of Mohács in 1526. It is characterized by the rise of power of the estates, which became equal partners to the monarch. He shared power with them.

Legislative power was exercised by sovereign in cooperation with the diet with the personal representation of the church magnates, secular magnates, representatives from

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[16] J. Beňko a kol, *Dokumenty slovenskej národnej identity a štátnosti*, I, Národné literárne centrum, Bratislava 1998, p. 125.

[17] See A. Švecová, T. Gábriš, *Dejiny štátu, správy a súdnictva na Slovensku*, Aleš Čeněk, Plzeň 2009, p. 88.

all feudal counties, and, since the time of the reign of Sigismund of Luxembourg, also representatives of cities who had a right to vote.

Executive powers belonged to the king, who increasingly exercised it through the royal office. The royal council had the executive powers as well. Its composition was changed in time.

The judicial system became more complex than in previous times, but like before, the courts were divided into those adjudicating the cases of magnates, lower nobles, cities, serfs, and other special subjects and groups.

2.3.2. Criminal Law

Criminal law, just like in the case of ancient Romans, was largely based on private fundaments. The private law concept of criminal law was based on the understanding of the offense as something that caused injury to a private person, not as an injury/offence to the whole society. The first form of criminal trial was thus of a private revenge.[18] Until then, public element, in the form of the establishment of the court as an arbitrator between the victims, respectively his heirs and perpetrators, was introduced. The court was only to determine the amount of compensation, respectively payment – *homagium* – to replace private revenge. Nevertheless, whole procedures had private characters, as the court did not act on its own motion, but only at the motion of injured party and if the court found no facts, it just determined the conditions for which the case was about to be decided.

First, the crown punished only two crimes: cowardice in battle and disobedience to the ruler. Only these two acts, which may jeopardize the integrity of the state, were considered to be *crimen publicum*. Others were seen as *crimen privatum*.

The concept of crime was based on similar fundaments as it was in Great Moravia. Crime is seen and understood as a sin in Christianity, an exceedance of God's law. According to the law books of the first kings, punishment for the crime was usually secular and religious at the same time.

Gradually, some of the crimes that the laws of the first kings considered to be *crimen privatum* began to be understood as *crimen publicum* and the process began *ex officio*. Such crimes were arson, raids, adultery, debasement, etc.[19]

Overall, the treatment and the application of criminal law in the Kingdom of Hungary was very fragmented and not only because of legal particularism, but also because of the lack of unity in the application of the standards of criminal law. This situation persisted despite the efforts of various rulers until 1878, when the first Hungarian Criminal Code was adopted, which had been in effect in Slovakia until 1950.

2.3.3. Procedural Law

Procedural law is, in general, a system of standards, which govern the authorities deciding on legal issues, as well as legal parties involved in the proceedings. Until 1526, the procedural law for civil and criminal matters was uniform.

Court proceedings were initially strongly influenced by canon, Swabian and Saxon law, and built on the principles of oral public proceedings, and accusatorial principle

[18] For more information see L. Kontler, *Dějiny Maďarska*, Lidové noviny, Praha 2001, p. 47.

[19] I. Stipta, *Dejiny súdnej moci...*, p. 176.

was applied into the whole process.[20] During the Arpad rule, proceedings started with the motion of plaintiff. The preliminary proceeding was missing and was substituted by strictly formalistic subpoena.

The plaintiff firstly informed the judge about the case and then presented all the evidence, since the process had been consistently built on the accusatorial principle. The role of the judge was very passive. Judges usually only set down the conditions on which he would rule in favor of the plaintiff. Such a condition could be number of witnesses or an ordeal.

The decisions up to the 12th century were only presented in oral form. They only had written forms since the rule of Anjou kings. During their reign, oral processes were changed to written ones, in which the judge played a more active role and began to establish the facts, either through on-site inquisition or directly examined witnesses during the trial. Accusatorial principle started to be gradually abandoned from the time of King Ladislas I (Ladislaus I, I, 13, II, 4, III, 1) and Coloman (Coloman, I, 60) and was replaced by inquisitorial principle. With the development of the inquisition process, which was derived from practice of the ecclesiastical courts, it was connected with an *ex officio* action with an official duty of the court to find out evidence.[21] Article 6 of the Golden Bull already gave *palatal congregations* power to investigate crimes and to collect necessary evidence.

In the second half of the 15th century, new forms of criminal proceedings were introduced. They made the process easier and faster. The written inquisitorial process introduced by king Mathias I, was used in the Kingdom of Hungary until 1853.[22]

The aim of this trial was to find out the objective truth based on the facts and to decide the dispute.

2.3.4. Representation in criminal proceedings

Until the Battle of Mohács, much of the criminal trials had the characteristics of private law. In such cases, the plaintiff had to be a free person. The burgher or serf had to be represented by the local landlord or by the city council during the trial. If it was not a criminal trial, the parties usually did not have to be present in person, but the judge might have ordered the parties to participate personally. Process representation was not rigidly set. The parties could be helped during the dispute by their relatives and other advisors. Legislation concerning representation in the court was very fragmented in the medieval Kingdom of Hungary.

The Hungarian procedural law provided for a function of procurator since the 13th century.[23] The Procurator represented the parties in the litigation, in which they did not have to be present in person.

In medieval Hungary, the positions of prolocutor and conlocutor were also known. They performed the same functions during a trial.[24]

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[20] J. Holák, *Beda odsúdeným. Ako sa za feudalizmu súdilo na Slovensku*, Osveta, Bratislava 1974, p. 211.
[21] I. Stipta, *Dejiny súdnej moci...*, p. 175.
[22] *Ibidem*, p. 178–179.
[23] A. Goncz a kol., *Magyar Nagylexikon. XV. diel*, Kiadó, Budapešt 2002, p. 134.
[24] P. Kerecman, R. Maník, *História advokácie na Slovensku*, EUROKODEX, Bratislava 2011, p. 36.

In a criminal trial, the situation regarding the representation of parties differed when it came to action in cases of *crimen privatum* from those relating to *crimen publicum*.

In cases of *crimen privatum*, the situation was clear. The injured party acted in court as a prosecutor and the accused as a defendant. Both parties acted directly without representation.

The situation was different in the case of *crimen publicum* which started *ex officio*. On the side of the accused, the situation did not change. He had to be present in person in the court. The differences were on the side of the plaintiff. In the case of *crimen publicum*, the injured party was the whole society, the state in the period represented by the crown. By 1526, there was no established public authority to fulfill the tasks of the office of public prosecutor as we know it today. Usually the judge acted as prosecutor all alone. This also shows the lack of separation of judicial and executive power in the Middle Ages and in the early modern period. A very good example could be seen during the famous court case with the rioting miners of Banská Bystrica in 1526. As it was a serious case in which crown revenues were at risk, the king had appointed Palatine Stephen of Verbovec to preside the court, who, as it is clear from the judgment, acted as an investigator, prosecutor and judge in the process.[25] As inquisitorial principle was applied, since in the early 13th century, an investigation was carried out by the judge, his assistants, or by the court and the whole process was in the hands of the judge.

At the municipal level, in the case of the prosecution of *crimen publicum*, the county office was the plaintiff *ex officio*. The situation was similar in the cities, where the applicant, in the case of *crimen publicum*, was the city council or the mayor, who also represented the court.

2.3.5. The representation of the ruler in court proceedings

The king was the supreme ruler and supreme judge since the beginning of the Hungarian state, and therefore there was no need to set up a body to represent the monarch in court for a long time.

In cases of need, procurators *ad hoc* protected the interests of the king in the court.

Similarly, local landlords were able to assert their power in *county congregations,* and therefore they did not need to establish permanent bodies of their representation. It was not necessary until the establishment of the county courts (*Sedria*) in 1486.

2.3.5.1. Director of royal affairs

King Matthias I appointed the first Deputy Treasury, *Fiscus* in 1486, by a decree. The role of *Fiscus* was not only to protect the rights of the king, but also to collect fees from mining as one of the major sources of the royal treasury.

Since the beginning of the 16th century, the king was represented in the royal council in the event of hearing criminal cases by a man whose position was called *Director of*

[25] For more information, see the decision of palatine Štefana from Verbovec dated 13th April 1526 in: *Pramene K dejinám Slovenska a Slovákov VI. Pod osmanskou hrozbou. Osudy Slovenska od Albrechta Habsburského do tragickej bitky pri Moháči s prihliadnutím na začiatky renesancie v čase vlády Mateja Korvína*, Literárne informačné centrum, Bratislava 2004, p. 174–178.

royal affairs (*Director Causarum Regalium et Sacrae Regni Coronae Fiscalis*), which came into position of *Fiscus*.[26]

Director of royal affairs enjoyed special protection and offence against him was punishable in the same way as a crime of adultery.

2.3.5.2. Landlord counsel

With the gradual development of the county judiciary, frequent meetings of *county congregations* and the formation of *Sedria* is related to the establishment of the *landlord counsels*. They were appointed by landlords to carry out tasks in the management of land and in the exercise of seigniorial justice.

It was a paid employee, a seigniorial local court and its member, who represented the legal interests of the nobility, where the court was established.

It was, therefore, not a representative of the king, but on a local level, in the system of feudal courts, played a similar role as that played by the *director of royal affairs*.

2.3.6. The supervision of compliance with the law by public authorities

The exercise of power is related to its control. Neither king nor his court could personally supervise the execution of administration or judicial powers throughout the country. For this reason, two institutions were created: *locus credibilis* and *homo regius*.

2.3.6.1. Locus credibilis

Locus credibilis (Credible sites) is known from the 13th century as a quasi-public notarial network. They were local government authorities, and their privileges and responsibilities were defined by a monarch.

The emergence of credible sites was connected with the lack of educated laymen able to hold office of a public notary (notarius publicus). The king identified some religious public corporations to perform, in a broad sense, functions of public notary.

Beside this role of credible sites, they played an important role as witnesses for important public acts, especially those in courts. They performed the function of the supervisory authority in the performance of official duties of other stately bodies.

Credible site, under a mandate from the king or other high official, used to sent its members to witness concrete actions and return afterwards along with the report, the so-called *relatio* that was the official trustworthy charter with the seal of the credible site.

Members of the credible site probably only supervised operations and did not actively enter them. Their knowledge of the proceedings was captured in the *relatio*.

2.3.6.2. Homo regius

From the 13th century onwards, documents indicate the existence of a new legal institute called *homo regius (king's man),* whom the king delegated as an authority to legally act,

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[26] I. Stipta, *Dejiny súdnej moci...*, p. 255.

often in connection with legal proceedings, on his behalf. Similarly, palatine, country's judge and other official appointed "their man" as well.

The King's man cooperated with members of locus credibilis in supervising judicial or administrative proceedings.[27]

3. Conclusion

In the medieval Kingdom of Hungary, or in state entities that existed before its establishment, in Slovakia there was no institution that would resemble the contemporary office of public prosecution.

The basic legal characteristics of this period were the unity of the executive and the judicial power, the private concept of criminal law and underdeveloped structure of the state and its administrative bodies.

The emergence of office of public prosecution is closely linked to the concept of crime as a public injury. In the Middle Ages, when the concept of private injury was prevalent, it was not possible or advisable to establish such a body.

Nevertheless, the trend leading to a growing understanding of criminal acts as *crimen publicum*, where the proceedings started *ex officio*, can be observed, and in our view we would expect the establishment of a body performing prosecution of people.

As a parallel phenomenon, the introduction of the inquisitional process in the kingdom took place since the second half of the 11th century, where, unlike in the accusatorial processes, the judge exercised decisive procedural power and pushed the plaintiff's and defendant's role in the trial into the background. The judge became the "master" of litigation and as he was a high-ranked state official, there was no need to set up special bodies to represent state in *crimen publicum* trials.

[27] For more information see T. Gábriš, *Statická stránka riešenia konfliktov v listinných prameňoch edovaných G. Wenzelom*, „Právněhistorické studie" 2012, 41, p. 118–140.