

## A Chapter on Institutionalization: The Use and Misuse of Institutions of Citizen Participation in Hungary

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### Abstract

The institutionalization of democratic innovations has been the focus of considerable debate in academic literature, particularly regarding whether it is necessary and, if so, what form it should optimally take. However, the present research—which uses the concept of institutions of citizen participation (ICPs) instead of democratic innovation due to its enhanced applicability in the present research context—goes one step further. Beyond the scrutiny of institutionalization, it also examines the democratic quality of ICPs. It argues that institutionalization alone does not guarantee the effective functioning of the related institutions. Hence, the article examines the institutionalization of ICPs in Hungary, evaluating its degree, impact, and potential in an illiberal and centralized environment by posing the following research question: How does the degree of institutionalization affect the quality of ICPs in a hybrid regime? The methodology is built on document analysis and applies a three-step assessment framework consisting of an institutionalization assessment of Hungarian ICPs, the use of an evaluation framework developed for a quality analysis, and, lastly, an analysis of the correlation between the degree of fulfillment of the institutionalization criteria and the impact on policy-making. Being embedded in the context of Hungary, the article defines the contours of how ICPs operate and have effects in a backsliding democracy. The article assesses five Hungarian ICPs, including open primaries, referenda, national consultations, public hearings, and citizens' assemblies. The findings demonstrate that institutionalization in itself is not sufficient to ensure the quality of these institutions, and provide insight into the functioning of Hungary's hybrid regime, which is based on the logic of “ruling by cheating.”

## Keywords

citizen participation; democratic backsliding; democratic innovations; institutionalization

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## 1. Introduction

In recent years, there has been a growing wave of concern about Western-style democracies. On the one hand, citizens have developed heightened expectations about their democracies, desiring increased participation, improved political accountability and transparency, better consultation, less corruption, and the more equal treatment of minorities (Newton, 2012, p. 4). On the other hand, the alarming global trend of autocratization has led to a wave of appeals for deliberative and participatory democracy as a remedy to this crisis (Suteu, 2019, as cited in Fiket & Đorđević, 2022, p. 4). Democratic innovations (DIs) enhance democratic governance by addressing perceived deficits in traditional representative systems.

Although DIs are typically defined by their commitment to deliberation, inclusivity, and enhancing democracy, the concept of institutions of citizen participation (ICPs) is more suitable for academic analysis, particularly in terms of the insights obtainable from various cases when DIs have been formalized. Redefining DIs as institutions, processes, and mechanisms intended to enhance democracy by means of citizen participation is useful for increasing the understanding of institutionalization. ICPs include consultative and direct forms of participation, which may serve a variety of political, administrative, or strategic purposes (Pogrebinschi, 2023). This reconceptualization is particularly valuable when applied to non-Western or hybrid regimes, where representative democracy is often distorted or hollowed out, and where participatory mechanisms may be co-opted or used symbolically by central authorities. As Pogrebinschi notes, many Latin American participatory institutions are embedded within state structures rather than operating autonomously, and often function under the control of executive-dominant, hyper-presidential systems—conditions similar to those found in Hungary since 2010. Pertaining to the political environment, a crucial consideration that demands attention is that ICPs are created through different regulatory frameworks that may be significantly influenced by political elites (Bedock, 2017), and there is evidence that these innovations can be manipulated by the latter (Junius, 2025; Oross & Tap, 2021).

Since 2010, Hungary has shifted in an illiberal or even authoritarian direction. Today, therefore, the Hungarian “hybrid regime” combines features of both authoritarian and democratic rule (Bozóki, 2019; Bozóki & Hegedűs, 2018; Buzogány, 2017), which makes Hungary a relevant case for studying the use and misuse of ICPs. Embedded in the context of Hungary, this article illustrates the contours of how ICPs operate and affect in a backsliding democracy. The article assesses five Hungarian ICPs, covering representative (open primary), direct (referendum, national consultation), and deliberative (public hearing, citizens’ assembly) processes. By selecting a diverse set of ICPs, the goal is to increase insight into the various factors that contribute to the institutionalization of the processes.

Building on the aforementioned arguments, the present article addresses the question of how the institutionalization of ICPs influences their quality. In other words, how does a lower or higher degree of institutionalization affect the quality of the ICPs in a hybrid regime? It aims at filling—at least partly—the aforementioned research gap: First, it presents a newly developed analytical framework for measuring

institutionalization, and second, it provides insight into the assumed (non-) relevance of institutionalization in a hybrid regime.

The methodology is built on a three-step assessment framework. First, an assessment of Hungarian ICPs is conducted, hence each ICP is awarded a “status” (value) pertaining to the degree of its institutionalization. Second, an evaluation framework developed for quality analysis is employed. Lastly, the correlation between the degree of fulfillment of the institutionalization criteria and their impact on policy-making is analyzed.

The study is structured as follows: The theoretical chapter (Section 2) provides a review of the main conceptual framework of the study—in particular, the content and forms of DIs, as well as institutionalization and related theoretical issues. The presentation of the research design (Section 3) begins with an introduction to the Hungarian context from a political and legal perspective, followed by a description of the methodology. In this section, the evaluation framework developed for institutionalization and qualitative assessment, which has been adapted to the Hungarian context, is explained. In the final sections, we present the analysis and results (Section 4) of our research and lastly offer an interpretation of the findings (Section 5).

## 2. Theoretical Background

### 2.1. Clarifying the Conceptual Framework: Participatory Democracy, DIs, ICPs

DIs are broadly understood as new mechanisms—either institutional or processual—that are introduced to enhance democratic governance by addressing perceived deficits in traditional representative systems. The interest in them stems from what scholars describe as a “democratic malaise”—the long-term decline in electoral participation, party membership, and trust in political institutions across Western democracies since the 1970s (Dalton & Wattenberg, 2002; Inglehart & Welzel, 2005; Newton, 2012; Putnam, 2001).

Despite their popularity, the added value of DIs remains subject to debate among the broader public and scholars of democracy (Jacquet et al., 2023). On the one hand, a multitude of critiques have been advanced against DIs, such as citizens' lack of requisite capacities to deal with the complexity of politics (Brennan, 2016, as cited in Jacquet et al., 2023, p. 2; Schumpeter, 1942), the lack of widespread public support, and the argument that greater participation is not what citizens want (Achen & Bartels, 2016, as cited in Jacquet et al., 2023, p. 2). Critics highlight the top-down nature of DIs, driven by academics and academic pundits (Hibbing & Theiss-Morse, 2002). In contrast, advocates underline DIs' potential for making political systems more inclusive, effective, and legitimate (Fung & Wright, 2001, as cited in Jacquet et al., 2023, p. 2; Landemore, 2020) and call for their further institutionalization (Niemeyer, 2014, as cited in Jacquet et al., 2023, p. 2; Setälä, 2017, as cited in Jacquet et al., 2023, p. 2; Fishkin, 2018, as cited in Jacquet et al., 2023, p. 2). Definitions of DIs vary, from highlighting the institutional approach to the importance of context (Smith, 2009, p. 1), but all identify a normative approach to the participation of citizens in decision-making (Geissel, 2012, p. 164). Elstub and Escobar (2019, p. 14) classify DIs by considering both process and context, incorporating factors such as policy area, government level, and policy-making impact.

DIs take diverse forms within different political systems, sometimes institutionalized and embedded in a legal framework, and at other times organized on an ad hoc basis as processes related to the policy cycle. Operating within the framework of DIs but proposing a different kind of approach, Pogrebinschi (2023) differentiates

three kinds of DIs: institutions of citizen participation (ICPs), processes of citizen participation (PCPs), and mechanisms of citizen participation (MCPs). Developed for Latin-American contexts, the author argues that in an illiberal environment, citizen participation is not a sufficient normative goal on its own—it must be tied to other output-related elements. She further defines DIs as the institutions, processes, and mechanisms whose goal is to enhance democracy by means of citizen participation in at least one stage of the policy cycle. Participatory tools—such as deliberation, citizen representation, e-participation, and direct voting—are linked to normative ends including political inclusion, social equality, accountability, responsiveness, and the rule of law.

This perspective is especially relevant beyond the Western liberal context. In Latin America, ICPs are typically embedded in state structures and shaped by power asymmetries and executive dominance, a situation that closely parallels Hungary's political environment under Viktor Orbán, and in many cases results in a surge of ICPs organized by civil society organizations (Pogrebinschi, 2023, pp. 21, 77). Unlike Western-centric typologies like Elstub and Escobar's, Pogrebinschi's model offers a flexible framework suited to analyzing participation in settings where democracy is fragile or manipulated. Goldfrank (2021) also emphasizes how participatory institutions may reinforce existing power structures in hybrid or illiberal regimes, especially when participation is decoupled from real decision-making power.

## ***2.2. The Role of Institutionalization and the Debate Surrounding It***

Despite the paucity of discourse on the conceptualization of institutionalization in the literature, its content can be delineated through an examination of the role attributed to it and how it is envisaged. It has been suggested that a certain degree of institutionalization is necessary for any institution to be truly meaningful (Goldfrank et al., 2024) or if one wishes to measure democratic quality (Pogrebinschi, 2013, p. 10). However, a number of questions arise: To what extent and of what quality is institutionalization necessary, and should it be anchored in a legal framework or left open in the sense that participants can shape its rules? In this context—focusing on Europe—it is anticipated that institutionalization can address the limited outcomes of ICPs (Goldfrank et al., 2024). Advocates of institutionalization regard it, amongst other things, as a form of protection against possible political change. Goldfrank et al. (2024) posit that institutionalization should be conceptualized as an external dimension, outside of the political power struggle, which serves to further complicate the ability of political actors to manipulate or eliminate ICPs. The authors emphasize critiques that have highlighted the excessive routine utilization of these institutions by political actors, in addition to their bureaucratization. At the same time, fears of the field becoming constrained (i.e., that legal regulations may change citizen empowerment or disrupt established relations between associations and political actors) may be considered a counterargument (see Ravazzi, 2017, pp. 89–90). Goldfrank et al. (2024) examine the effects of institutionalization, highlighting the ongoing debate about embedding ICPs within rigid legal frameworks. As they argue, the debate over the trade-offs of institutionalization is experiencing a revival, particularly in Europe, where citizens' assemblies using sortition have gained prominence. Proponents of institutionalization argue that this shields ICPs from political shifts and other attempts at manipulation, while critics warn of bureaucratization, which could lead to ICPs becoming overly routinized and controlled by the government or other political actors. In this debate, we take the position that institutionalization is one indicator of the degree to which ICPs become substantial or meaningful. For the purposes of this research, we apply the following working definition, building on the approaches of Hartz-Karp and Briand (2009, p. 128) and the OECD (2020): Institutionalization means the incorporation of the institutions in a

legally constituted way into public decision-making structures. The operationalization of the concept was facilitated by the incorporation of elements selected from Pogrebinski's criteria (Pogrebinski, 2013), which were employed for the purpose of measurement. Thus, beyond the already substantial emphasis on formalization within the definition, inclusiveness and decisiveness were added to the assessment framework regarding institutionalization.

### **3. Research Design**

#### **3.1. The Hungarian Context**

The article focuses on Hungary, a country that provides an appropriate setting for testing the institutionalization of ICPs for at least two reasons. First, although it was the frontrunner of democratization in Eastern Europe, it was also the first country in the region to start on a long-term process of de-democratization in 2010, which led to the construction of an illiberal setting (Bogaards, 2018; Pállinger, 2019). Second, the emergence of new political parties after 2010 coincided with the dominance of one political party in government (Fidesz), the longest incumbent party in Eastern Europe since the regime change. The opposition and newly emergent parties have sought alternatives that promote citizens' engagement outside of the representative system that has produced the same winner over the last one and a half decades. These features make Hungary a highly suitable country for a discussion of the arguments concerning the positive and negative impacts of institutionalizing ICPs.

In Hungary, the usual symptoms of a weakening of representative democracy can be observed, including low political interest (Gerő & Szabó, 2019), increasing political polarization (Patkós, 2019), fluctuating political participation (Róbert & Szabó, 2017), and low institutional trust (Medgyesi & Boda, 2018). While representative democracy remains dominant in Hungary, discussions about the challenges and issues facing this system of governance are present among both members of the political elite and academic circles (Oross, 2024). Most challenges stem from what is termed "populist polarization" (Enyedi, 2016, p. 217), which arises from fierce competition among political factions, the widespread dismissal of power-sharing principles, and the significant influence of relatively stable and dominant parties. The ruling party and its leader, Viktor Orbán, portray the democratic process as a stark binary: a choice between good (Fidesz) and evil (the nation's adversaries and traitors). Currently, polarization remains very strong (Patkós, 2023), with populist polarization influencing not only the interactions between political parties but also the party system's connection to its broader context.

Hungary has some familiarity with direct democracy. Referenda, one of the main instruments of the latter, are closely linked to the representative system in several ways. This has been the case since the regime change, although in a different way before 2010 than after. Fidesz, the incumbent party, has utilized referenda as a means of furthering its "us-vs-them" political strategy, deepening societal divisions by prompting individuals to adopt positions regarding "us" (Gherghina et al., 2024; Pállinger, 2019; van Eeden, 2018). The intertwining of the representative system with the process and actors of direct decision-making is not only noticeable in Hungary (Pállinger, 2019) but in representative democracies in general (Altman, 2019).

The adoption of ICPs to enhance the existing representative democratic institutions is somewhat limited. Although the attitudes of Hungarian MPs, party members, and voters are supportive of deliberative events

at the community level (Oross, 2024), and an increasing number of citizens' assemblies are being held in various municipalities throughout the country (and a professional network is facilitating the sharing of knowledge regarding the management of these meetings), there is no legal framework that explicitly addresses deliberative democracy in Hungary.

The cases selected for our research represent a non-taxonomic range of participatory methodologies used in Hungary applicable to a non-exhaustive overview of ICPs. In our research, we sought to include cases from both the local and national levels; we did not include mechanisms and processes, but only institutions of citizen participation (ICPs). Nor did we include participatory budgeting because the related methodology, scope, available funds, and level of formalization vary from case to case.

### **3.2. Legal Landscape**

The changes described in the previous paragraphs have had significant consequences for the legal field as well. Following the victory of the right in 2010, there was a shift in the constitutional order and reality. The right, in possession of a supermajority, was able to implement the constitutional amendments required for the establishment of the new regime (Gárdos-Orosz & Bán-Forgács, 2025). Contemporary literature characterizes the Hungarian constitutional system as a form of authoritarian constitutionalism, a concept encapsulated by several terms (see Gárdos-Orosz & Bán-Forgács, 2025, p. 3). The Hungarian constitutional system is characterized by an erosion of opportunities for democratic participation and the elimination of checks and balances through the misuse of law (Tóth, 2019, as cited in Fleck et al., 2022, p. 3; for a general assessment regarding the legal scholarship perspective, see Pap, 2017). It is crucial to address the status of legislation in order to adequately assess institutionalization, particularly formalization. As a general feature, parliamentary legislation has completely lost its value, reduced to a mere "tool" in the hands of the government (Kazai, 2021). As Szente (2022, p. 193) presented: "Since 2010, the legislative process has become increasingly loose, and compliance with legislative requirements increasingly flexible, even though, in principle, the legislative plenary power of the constitutional majority would have justified stricter compliance with these requirements." To summarize, the cornerstones of representative democracy are being eroded.

In recent years, state of emergency legislation and abuses of emergency powers can be regarded as a culmination of all the aforementioned:

Even today, the integrity of the legal system is challenged by unjustified regulations associated with the state of emergency declared in March 2020, first in reaction to the Covid-19 pandemic and subsequently prolonged due to Russia's full-scale war against Ukraine. (Gárdos-Orosz & Bán-Forgács, 2025, pp. 2-3)

Since 2020, rule by decree has also become the "norm" (Szentes & Vörös, 2024; concerning the resilience of the Hungarian legal system, see Gárdos-Orosz, 2025). As regards the general character of rule by decree, "The rules on special legal orders provide the Government with the power to issue decrees in the context of...crisis or emergency situations, replacing parliamentary legislation and allowing for the restriction of basic rights" (Szentes & Vörös, 2024, p. 19).

As most cases of ICPs in Hungary are initiated and implemented by local governments, it is relevant to discuss their political and legal status. In general terms, the power of local governments has been overridden by that of the government, as defined in the Fundamental Law:

[The Fundamental Law] no longer considers local government as a fundamental right of the local community, the municipality is primarily not a forum for citizen participation and representation, but the implementer of public tasks as part of the executive branch of the unitary state. (Pálné Kovács, 2024, p. 50)

Concurrently, the advent of a novel electoral system has rendered local governments susceptible to the influence of centralized party politics. The regulatory framework governing local referenda has effectively stymied the operationalization of direct democracy, while the processes that facilitate the harmonization of the interests of local governments and the central government have stagnated. Moreover, a pronounced nationalization of the bulk of public services formerly administered by local governments has occurred, resulting in a situation where local governments are deprived of autonomy in the execution of their own mandates. This shift, which also impacts the fiscal management of local governments, leaves limited room for funding voluntary activities, restricting budgets primarily to supporting mandatory tasks. The erosion of subsidiarity, combined with strict financial constraints, has reduced the role of local governments within the vertical division of power (Dobos & Papp, 2017). Furthermore, these entities are also subject to the influence of centralized development policies and funding systems, as well as transformed property relations and emergency governance measures (e.g., Covid-19; Pálné Kovács, 2024). This decline has been characterized by a steady contraction of functions and powers, accompanied by a steady withdrawal of funding.

These limitations hinder citizen participation, as reforming the status quo often encounters legal, jurisdictional, or financial obstacles. Without governmental support—which is frequently lacking in opposition-led municipalities that attempt to introduce ICPs—making citizen proposals in areas such as transportation and urban planning remains unfeasible. An essential aspect of preparing participatory processes is thus either communicating existing constraints to participants or recognizing that an unrestricted approach may produce proposals that are ultimately unfeasible.

### **3.3. Methodology**

Our research used document analysis to better understand the context of the institutionalization of ICPs in Hungary. The documents (see the Supplementary File) consist of the available legislative and policy documents and reports related to the ICPs involved in the present research. In order to answer our research question (how a lower or higher degree of institutionalization affects the quality of ICPs and the substantive functioning of each process or institution), we followed a three-step methodology. First, aligned with the broader sense of institutionalization, an assessment of Hungarian ICPs is conducted, with each ICP assigned a “status” (value) reflecting the degree of its institutionalization. The examination is based on Pogrebinschi’s criteria for assessing the degree of institutionalization (Pogrebinschi, 2013). Second, the evaluation framework developed by the authors for quality analysis is employed. This is a crucial point of the research, as we argue that institutionalization in itself does not guarantee meaningful ICPs: It may lead to different outcomes. Based on this argument, the final step involves locating institutionalization on a scale, which entails analyzing the link between the degree of institutionalization and the quality of ICPs.

Our preliminary assumption was that institutionalization is a broader concept than (legal) formalization since its evaluation in hybrid regimes requires further substantial measurement criteria. Accordingly, we applied an evaluation framework that included these aspects. The criteria cover not only legal formalization but also include further aspects relevant to determining institutionalization. Regarding the Hungarian context described above, we found it useful to add one more aspect: the concrete legal source of the ICP. The level of legal hierarchy seems to be a relevant aspect regarding institutionalization, as one assumes that the higher the legal source in which the ICP is enshrined, the more continuity is ensured.

These criteria are not addressed in a binary fashion, but on a graduated scale. Pogrebinschi proposes treating institutionalization in this way, with the extent of institutionalization indicated by the degree to which the related concept is realized. In this context, Pogrebinschi (2013, p. 11) also asserts that “the more an innovation is institutionalized, the higher are its chances of impact.” Following Pogrebinschi’s recommendation of assessing institutionalization and quality this way rather than through binary distinctions, we assigned each criterion a value of low, medium, or high based on the fulfillment of the normative expectations.

The criteria we used in our research, in line with Pogrebinschi (2013, pp. 10–11), were the following: (a) formalization (ICP is backed up by the constitution, legislation, or governmental policy and legal source), (b) inclusiveness (ICP is open for participation to some extent, precluding social selection), and (c) decisiveness (ICP yields decisions; however, those are not necessarily binding).

For the assessment of institutionalization, we adapted Pogrebinschi’s (2013) criteria but excluded scope, scale, and representativeness due to their limited relevance in the Hungarian context. Scope and scale were omitted because many ICPs formally reference policy stages or levels (e.g., agenda setting, national vs. local), but in practice, these distinctions are often blurred or symbolic. Representativeness, understood as the linkage to elected institutions, was not applicable since most Hungarian ICPs function independently of representative bodies or serve executive agendas.

Instead, we prioritized legal formalization (including legal hierarchy) and “bindingness,” supplemented by direction of initiation. These dimensions better reflect Hungary’s hybrid regime, where participatory tools may be formalized yet are vulnerable to elite capture or selective use. This targeted adaptation aligns with Pogrebinschi’s call for the context-sensitive application of her framework and with Goldfrank et al.’s (2024) argument that institutional design must be assessed in relation to broader regime dynamics. The results indicate a low, medium, or high level of institutionalization. After assessing the level of institutionalization, we developed a framework for the qualitative assessment of ICPs in the Hungarian context. This represents a further refinement of Pogrebinschi’s (2013) proposal that involves claiming that DIs, once institutionalized, must meet three key criteria—feasibility, inclusiveness, and effectiveness—to serve as meaningful responses to representative democracy’s shortcomings and the resulting political disillusionment. We find that Pogrebinschi’s (2013, p. 7) understanding is especially relevant to our Hungarian case study, as the Latin American context of the institutionalization of ICPs is similar, being mainly incorporated within representative institutions (p. 21). This framework helps to break down the quality of participatory institutions into several key aspects: how easy they are to access and organize and their formality (*feasibility*); who gets to take part and how, and the bindingness of the process (*inclusiveness*); and whether they impact policy-making while maintaining the values of representativity and equality (*effectiveness*). Each of these

factors is assessed through more detailed indicators, such as legal backing, participant diversity, quality of deliberation, and policy impact (Pogrebinschi, 2013, pp. 14–16).

The framework enables the analysis of institutionalization and formalization, situating the legal foundation (when present) within the hierarchy of legal sources and the formality of the processes. We also found it important to look at the direction of initiation: top-down or bottom-up. To incorporate the criteria of Hess et al. (2015) and assess democratic quality, we examined ease of participation and democratic quality, focusing on key aspects such as inclusivity, deliberative qualities, and the threshold of participation. The next attribute was the impact and output of the examined ICPs, as their binding or non-binding nature impacts the processes themselves. Finally, we found it crucial to reiterate the original, normative goals of these ICPs, founded in the context of democratic backsliding. This last criterion enabled us to describe the challenges these institutions and processes face, such as being used selectively, being one-off events rather than an integral part of democratic culture, or their vulnerability to elite influence, especially in cases involving top-down processes.

As shown in Table 1, the analytical framework used in this study summarizes the key criteria for assessing the degree of institutionalization of ICPs in Hungary. The framework highlights the dimensions of formalization, initiation, inclusiveness, impact, and contextual challenges.

**Table 1.** Criteria for assessing the degree of institutionalization of ICPs in Hungary.

Dimension	Description
Degree of institutionalization and formalization	Hierarchy of legal sources; level of formalization
Direction of initiation	Top-down vs bottom-up
Ease of participation/Democratic quality	Inclusivity and other DI criteria (e.g., threshold for participation) can be evaluated on micro, meso, and macro levels
Impact/Output	Binding vs non-binding
Challenges in the context of democratic backsliding	For example: selective use (e.g., national consultation), one-off symbolic events (e.g., citizens' assemblies), vulnerability to elite capture or instrumentalization

Sources: Adapted from Hess et al. (2015) and Pogrebinschi (2013, pp. 10–16).

Our goal in developing this framework was to demonstrate that institutionalization alone, without considering other indicators, is insufficient to determine whether an ICP is designed to address the challenges of a hybrid regime. Institutionalized participatory methods can still lack the properties essential for enhancing democracy, turning them into mere campaign stunts or tools for legitimizing elite influence, rather than genuine mechanisms for democratic improvement.

By applying this framework to ICPs in Hungary, we can assess the feasibility of various participatory mechanisms, their capacity to foster genuine engagement, and their overall effectiveness within the country's political context.

## 4. Analysis

### 4.1. Degree of Institutionalization Regarding Formalization, Inclusiveness, and Decisiveness

In order to assess the institutionalization of the selected ICPs in Hungary, first, we apply Pogrebinschi's criteria (2013, p. 10)—adapted to the present research—to describe the degree of institutionalization regarding the three criteria: formalization, inclusiveness, and decisiveness.

Table 2 presents the application of Pogrebinschi's criteria to the case of referenda, demonstrating their high level of institutionalization and strong legal backing, but also the limited inclusiveness stemming from their use as government-controlled instruments.

**Table 2.** Referenda.

<b>Formalization</b>	Backed by an institution (the National Election Office) and with a legal background (the Fundamental Law—the Constitution—and Act CCXXXVIII of 2013 on initiating a referendum).
<b>Inclusiveness</b>	Operated together with the elected bodies; opposition parties typically and openly discouraged their supporters from participating. Served as an extension of government rather than providing people with direct access to decision-making (Gherghina et al., 2024). Inclusiveness mainly limited to supporters of the government.
<b>Decisiveness</b>	Led to decisions (four national referenda have been held that were both valid and had a policy effect).

As shown in Table 3, open primaries in Hungary display a medium level of institutionalization, characterized by informal but cooperative arrangements among opposition actors and binding results within the participating coalition.

**Table 3.** Open primaries (those with candidates from several parties are a special sub-case of primary elections; Sandri et al., 2015).

<b>Formalization</b>	Not regulated directly in any legal source, and based on mutual agreement between the participating actors and organizers. But: Other legal provisions were applicable to primaries (e.g., Act CXXVI of 2013 on election procedure) as the obligation to act in a bona fide manner also applied to organizers (Órsi, 2022).
<b>Inclusiveness</b>	Organized before the 2022 parliamentary elections, the open primaries forged unity among the fractured opposition parties; thus, they represented all parties of the parliamentary opposition except the extreme-right party Our Homeland.
<b>Decisiveness</b>	Opposition parties formed a coalition and utilized open primaries to select their candidates for the 2022 parliamentary elections (Mikola & Santos, 2025). Despite some disagreement among candidates, there were no defections that negatively impacted the reputation of the open primaries, and the result of the process was binding on all participating parties and candidates.

Table 4 outlines the characteristics of public hearings, a formally regulated but largely consultative institution, illustrating how their legal basis ensures continuity while limiting their inclusiveness and decisiveness.

**Table 4.** Public hearings.

<b>Formalization</b>	According to Act CLXXXIX of 2011 on Hungarian local governments, local public affairs may be the subject of public hearings that include issues directly affecting the population of the county and the tasks of regional authorities (Héder, 2017).
<b>Inclusiveness</b>	Operated together with elected officials (mayor, deputy mayors, local councilors) at the local level who were present during public hearings. Inclusiveness was largely limited to active citizens of a municipality, and social selection was often a significant issue.
<b>Decisiveness</b>	Decisions not taken during public hearings as they are consultative forums. Despite the fact that public hearings are a consultative legal institution that does not directly produce legal effects, the direct participation of voters in the decision-making process generates legitimacy for the decisions and drafts of local government that are discussed and supported in this context (Héder, 2017).

As indicated in Table 5, national consultations represent a highly centralized, top-down participatory mechanism. Introduced by Fidesz in 2005, the national consultation is a questionnaire that is sent to Hungarian citizens; this became one of the prime minister's communication tools from 2010 onwards. Although broadly accessible, it primarily serves as a tool of political communication and elite agenda-setting rather than genuine public deliberation.

**Table 5.** National consultations.

<b>Formalization</b>	As a strategic instrument for mobilizing supporters of the government, it has no other legal background than the decrees of the government and the rules for the organization and operation of the Cabinet Office of the Prime Minister.
<b>Inclusiveness</b>	Elected government officials popularized this ICP. National consultation ballots are delivered by post to each Hungarian citizen over the age of 18, so in some ways, this has the potential to be a very inclusive process. Engaging minority groups to participate in this consultation process has never been a priority of the organizers, and the overwhelming majority of respondents are Fidesz supporters (Pócza & Oross, 2022).
<b>Decisiveness</b>	Citizens are given the chance to express their views on predefined questions without binding the hands of decision-makers. Conveying to citizens the idea that their involvement in politics is necessary for more streamlined decision-making, the government employs such "push polls" to manipulate voters' views/beliefs (Oross & Tap, 2021; Pócza & Oross, 2022).

Table 6 details the assessment of citizens' assemblies, which are locally organized and inclusive in participant selection but lack firm legal foundations and binding power within Hungary's hybrid regime.

**Table 6. Citizens' assemblies.**

<b>Formalization</b>	Citizens' assemblies lack a firm legislative background in Hungary—as they have only been implemented at the local level, their formalization is limited to the decrees of the respective local municipalities that convene them (see, for example, Decree 32/2023, XII. 21. on the 2024 Consolidated Budget of the Municipality of the Capital of Budapest).
<b>Inclusiveness</b>	Random selection of participants has ensured fair, transparent, inclusive, and efficient community gatherings and the representativeness of events. In the case of the Budapest Citizens' Assembly convened in 2021, 10,000 invitation letters were sent out, and 314 invitations were registered in Budapest during the two-week registration period, a registration rate of 3.1%. From the registered citizens, a list of 40 participants was compiled to represent the population over 18 years of age in the capital by gender, age, education, and place of residence. Despite all efforts of organizers, inclusiveness is limited mostly to active citizens.
<b>Decisiveness</b>	Citizens' assemblies operate according to a consultative implementation model, meaning that their advisory recommendations lack any binding power.

Table 7 summarizes our results about the degree of institutionalization of ICPs in Hungary. The comparative results reveal clear variation among the five examined ICPs: referenda exhibit the highest level of institutionalization, while national consultations and citizens' assemblies remain weakly institutionalized.

**Table 7. Summary of the assessment of the degree of institutionalization of ICPs in Hungary.**

Criteria	Referenda	Open primaries	Public hearings	National consultations	Citizens' assemblies
<b>Formalization/ Hierarchy of legal sources</b>	High (Constitution— Fundamental Law)	Low (no legal material, just mutual agreement between the participating actors and organizers)	Medium (Act CLXXXIX of 2011)	Low (government decree)	Low (local government decree)
<b>Inclusiveness</b>	Medium	High	Low	Low	Medium
<b>Decisiveness/ Bindingness</b>	Yes	Yes	No	No	No
<b>Value (High/ Medium/Low)</b>	High	Medium	Medium	Low	Low

Source: Authors' assessment based on the framework of Pogrebinschi (2013), edited to include legal source.

According to our analysis, the level of institutionalization of national consultations and citizens' assemblies is low. Open primaries and public hearings have a medium level of institutionalization in the Hungarian context, while referenda are highly institutionalized.

## 4.2. Evaluation of Quality

The next step is to measure the quality of the selected ICPs, applying the following criteria: direction of initiation, scale, scope, ease of participation/democratic quality, impact/output, and challenges in the context of democratic backsliding.

Table 8 extends the analysis by evaluating the quality of each ICP across multiple dimensions, including initiation, scale, and democratic quality, thereby linking institutionalization to practical functioning within Hungary's illiberal political context.

**Table 8.** Evaluation of the quality of ICPs in Hungary.

Criteria	Referenda	Public hearings	Open primaries	National consultations	Citizens' assemblies
Degree of institutionalization/formalization	High	Medium	Medium	Low	Low
Direction of initiation	Top-down	Top-down	Bottom-up	Top-down	Bottom-up
Scope	Agenda setting	Evaluation	Agenda setting	Agenda setting	Agenda setting
Scale	National and Local	Local	National	National	Local
Ease of participation/Democratic quality	National level	Local level	National level	National level	Local level
Impact/Output	Binding	Non-binding	Binding	Non-binding	Non-binding
Challenges in the context of democratic backsliding	Vulnerability of elite influence	Vulnerability of elite influence	One-off event	Used selectively	One-off event

Sources: Authors' evaluation framework based on Hess et al. (2015), Pogrebinschi's institutionalization and quality criteria (2013, pp. 10–16), and an analysis of Hungarian legal and policy documents.

As presented earlier, the highly institutionalized referendum instrument has a firm legislative background in Hungary, and outcomes are legally binding. Since 1990, nine referenda have been held at the national level; their scope is not limited exclusively to the local level but involves participation in the stages of the policy cycle mainly related to the agenda-setting phase. Recognizing the significant impact of referenda on the policy-making process, Orbán's Fidesz has successfully utilized referenda for party political purposes (van Eeden, 2018). Initiated in a top-down manner, today, referenda serve as significant instruments that enable the government to enhance its authority. Representing a substitute to traditional representation, referenda are viewed by citizens as an extension of other governmental functions (Gherghina et al., 2024). Since politicians play a crucial role in the entire process, the vulnerability caused by elite influence is evidently a key challenge within the Hungarian context.

Supported by legal provisions but without binding power, public hearings are among the most commonly utilized participatory mechanisms in Hungary. Their introduction has occurred in a top-down manner, with Hungary's entry into the EU being a driving factor, as EU-funded programs require public consultation at

multiple phases of project execution at the local level. Thus, the public hearing is an institution that is a result of the EU pre-accession process, which has helped build democratic institutions and define rules for their operation (Kampka & Oross, 2023). Concerning its scope, it is a tool for evaluation, whereby citizens of the municipality can explain whether policies accepted by the local municipality have been effective in addressing their problems. Although decisions are not legally binding, councils of representatives raise matters of major importance for municipal policy at public hearings. The need for transparency in decision-making frequently conflicts with the immediate communication goals that politicians aim to achieve, and the primary challenge is that public consultations often remain one-time events.

Holding open primaries—an electoral strategy of opposition parties against democratic backsliding and the new electoral law that provides Fidesz with greater chances of success against a fragmented opposition and blocks their opponents' electoral chances—has enabled opposition parties to engage new voter segments, optimize their resources, and address internal conflicts (Mikola & Santos, 2025). While the binding nature of this institution was acknowledged by all parties involved ahead of the 2022 Hungarian parliamentary election, candidates were not governed by any legal framework. Consequently, our analysis categorized open primaries as having a medium level of institutionalization. The grassroots nature of this process, coupled with mutual distrust among the parties, resulted in the unexpected emergence of a non-partisan candidate in 2021 who ran on an anti-establishment platform—an unintended outcome of the initiative. As the process enabled candidates with very diverse ideological backgrounds to present their electoral programs and attracted the attention of the national media, the scope was mainly related to agenda setting, and its scale was at national level. While the organization of national open primaries for single-member district candidates and the prime ministerial candidate represented a significant achievement in terms of fostering cooperation among opposition parties, and the mobilization of over 600,000 Hungarian citizens was commendable, the subsequent electoral defeat and technical implementation issues undermined trust among the parties. Although the process has been recognized as a participatory tool that can enhance inclusivity in candidate selection, in the context of a hybrid regime, a clear challenge is that national open primaries might remain a one-off event in Hungary's political landscape.

Despite being associated with a low level of institutionalization, national consultations, initially intended as a means for an opposition party to reach out to citizens, have evolved into a strategic, top-down tool for rallying government supporters and facilitating political campaigns. As for the scope, the high level of elite control over the whole process allows the government to cherry-pick ideas and develop and communicate a very flexible interpretation of the responses received from citizens, thus the instrument is mainly an agenda-setting opportunity for the government (Oross & Tap, 2021). Regarding the scale of the process, national consultations involve national topics that are on the agenda of the government. The self-selection of participants significantly skews the reliability of the national consultations' results due to the absence of transparency and public oversight of the process. The consultation questions do not aim to provoke discussion or deliberation; rather, they merely serve to strengthen the government's ability to set the agenda. While the government emphasizes the number of participants, there is little binding power associated with the consultation process. They now primarily serve the strategic objectives of the party in government, such as promoting its legislative agenda, consolidating power, and enhancing its legitimacy in international negotiations; thus, they have proven to be very vulnerable to the influence of the party (Fidesz) elite.

In Hungary, citizens' assemblies are still in the early stages of development, and the idea of such assemblies is not reflected in the current legislation. Citizens' assemblies operate on a consultative basis, meaning that

their advisory recommendations lack any binding power. Local municipalities facilitate their organization, while the participation of NGOs promotes a grassroots approach. They have a governance-driven agenda defined by public administrations (Warren, 2009) as public officials exert significant control over these events by choosing both the topic and the experts. This relegates civil society to a subordinate position in the process, a concern that is reflected in interviews with public officials and NGO representatives, who note that politicians utilize citizens' assemblies to validate actions that have already been planned (Pospieszna et al., 2025). Local governments have faced significant financial constraints in recent years, hindering their ability to make autonomous decisions and implement initiatives. Therefore, citizens' assemblies are often a one-off event, posing a significant challenge to the process.

Building on the detailed evaluation in Table 8, Table 9 provides a concise summary of the relationship between the degree of institutionalization and the overall democratic quality of the five Hungarian ICPs. It highlights that higher institutionalization does not necessarily correspond to better democratic quality, as both highly and weakly institutionalized institutions can be vulnerable to elite influence.

**Table 9. Summary table for institutionalization and democratic quality of ICPs in Hungary.**

ICPs	Degree of institutionalization and formalization	Direction of initiation	Ease of participation/ Democratic quality	Impact/Output	Challenges in the context of democratic backsliding
Referenda	High	Top-down	National level	Binding	Vulnerability of elite influence
Open primaries	Medium	Bottom-up	National level	Binding	One-time event
Public hearings	Medium	Top-down	Local level	Non-binding	Vulnerability of elite influence
National consultations	Low	Top-down	National level	Non-binding	Used selectively
Citizens' assemblies	Low	Bottom-up	Local level	Non-binding	One-time event

Regarding the correlation between institutionalization and democratic quality, our analysis revealed that highly institutionalized ICPs, such as referenda, and ICPs with a low degree of institutionalization, like national consultations, can both be subject to elite manipulation due to their top-down nature and significant influence in the policy-making process. ICPs evaluated as having a medium degree of institutionalization (open primaries and public hearings) are partly the result of the ongoing democratic consolidation that stems from the integration of Hungary into the EU, which led to the emergence of democratic institutions, and are partly reactions to democratic backsliding (the reversed democratization process). Compared to other DIs, citizens' assemblies are bottom-up institutions with limited effect on policy-making. These findings demonstrate that institutionalization in itself is not sufficient to ensure the quality of these institutions: i.e., a high degree of institutionalization does not necessarily correlate with the enhanced quality of the ICP.

## 5. Discussion and Conclusions

Our article aimed to contribute to the literature by helping identify best practices and to the debate about institutionalizing public participation, which may yield considerable benefits but also involves certain costs (Hartz-Karp & Briand, 2009). To this end, a document analysis was conducted, encompassing academic literature and legislative and policy documents.

In line with earlier findings that the significant influence of ICPs in the policy-making process increases the risk of their capture (Brink & Teles, 2017), we found evidence that, due to the strong agenda-setting component, direct democratic institutions, referenda, and national consultations are subject to significant manipulation by the Hungarian governmental elite. With regard to the results of the analyses of the frameworks of institutionalization, while a positive correlation has been proposed between the degree of fulfilment of the institutionalization criteria and the impact on policy-making based on the literature (Pogrebinschi, 2013), the findings demonstrate that institutionalization in itself is not sufficient to ensure the quality of these institutions but provide insight into the functioning of the hybrid regime, which is based on the logic of “ruling by cheating” (Sajó, 2021). Consequently, an institution that is fundamentally intended to enhance direct democracy can readily be transformed into a tool that promotes illiberalism, masquerading as the former. Hence, the observation already made in relation to the primaries seems to be valid here as well: Despite all efforts, “the illiberal context [has] imposed a considerable limit on the societal and political impact of democratic innovations in Hungary” (Kovács Szitkay et al., 2024). Similar to Welp et al. (2022), who demonstrate how participatory tools under populist leadership often serve as legitimization strategies rather than forms of democratic empowerment, our analysis finds that this tendency is clearly mirrored in the selective and top-down use of direct democratic institutions, referenda, and national consultations in Hungary. Thus, our results contribute to a better understanding of elite manipulation in DIs and highlight the need for further research on empirical instruments to assess the variety and integrity of referenda (Kersting & Grömping, 2022). But not all ICPs are equally influenced by democratic backsliding. Highlighting the multifaceted role of DIs/ICPs in a hybrid regime, our analysis detected a medium degree of institutionalization of ICPs (public hearings being a result of democratic consolidation and open primaries reactions to democratic backsliding). The analysis yielded a somewhat unexpected result: In this hybrid regime, some institutions are more concerned with protecting democracy than with innovation. The concept of DI, as well as a significant proportion of the literature on the subject, is predicated on the perspective of Western democracies. However, we found evidence that new institutions, such as citizens’ assemblies, may meet the criteria for DIs, as they introduce innovation. Even though municipalities lack the authority to adopt higher-level, more comprehensive regulations, citizens’ assemblies may be limited in scope, particularly in areas where they would be necessary. Accordingly, based on our findings we propose a new DI/ICP typology for the democratic backsliding context (involving the categorization of the Hungarian cases): (a) new practices that are comparable with DIs as they include innovation, such as citizens’ assemblies; (b) new procedures developed for the protection of democracy, like open primaries; and (c) procedures that openly institutionalize illiberal practices such as national consultations.

The results have broader implications for institutionalization beyond the single case study covered in this article. Our study posits the need for a novel typology, thereby highlighting the multifaceted role of DIs/ICPs in a hybrid regime. On the one hand, this role encompasses innovation and the “improvement” of democracy, but on the other hand, as the results show, such processes can function to protect both democracy and contribute

to the overt institutionalization of illiberalism too. The article also proposes an analytical framework that can serve as a relevant point of departure for further research, not only involving debates about democracy in general, but also for interpreting the nature of so-called cleavage referenda, which are characterized by a profound division in values and beliefs, as well as the illiberal understanding of politics in Europe, particularly in Central and Eastern Europe.

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The authors declare no conflict of interests.

### **LLMs Disclosure**

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### **Supplementary Material**

Supplementary material for this article is available online in the format provided by the authors (unedited).

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