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Conference Proceeding

PETER HORVÁTH
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CURRENT TRENDS AND PUBLIC ADMINISTRATION

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FOREWORD

Within the framework of scientific debates at the Faculty of Social Sciences, UCM in Trnava, teachers and doctoral students met at scientific seminars on Current Trends in Public Administration and Current Trends in Social Services and Counseling in the Moravian town of Mikulov.

The result of this meeting is both a collection of academic proceedings in which individual authors attempted to point to selected issues in the topics discussed. At the same time, they have raised a number of topics that will be the subject of further scientific debates in the near future.

This event launched another activity of our faculty's scientific team - a series of scientific debates between long-time scientists and new graduates in PhD studies, resulting, amongst other things, in the superiority of our PhD students' scientific outputs.

I believe that the introductory year and the outcomes of it will become the basis of a new tradition that will benefit everyone from.

Peter HORVÁTH

Dean of the Faculty of Social Sciences

THE ELECTORAL AFTERMATH: NEW WAVE POPULISM AND RADICALISM IN SLOVAKIA¹

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Abstract

The electoral success of new political platforms in recent parliamentary elections in Slovakia had raised the political and public awareness. The major concerns are related to the rise of populism, radicalism and a potential of new political platforms and leaders to take part in the political process and decision-making. From this reason, we argue about the new patterns of political leadership as implied from the parliamentary elections with the focus on the coalition potential and the political implications resulting from the popular support of alternative political parties. The major aim of the paper is to discuss, using the content analysis and secondary research of public opinion, the current trends of policy-making in Slovakia related to the aspects of the electoral results and their aftermath.

Key words

elections, populism, radicalism, political leadership, Slovakia

INTRODUCTION

The latest parliamentary elections in Slovakia took place on March 5th 2016. The spring elections have brought several topics for discussion. First of all, the results pointed on the weaknesses of the traditional political parties that have established in Slovakia throughout its short period of independence. Secondly and, perhaps most importantly the electoral process and the results have brought new political parties into

¹ The authors gratefully acknowledge the contribution of the Scientific Grant Agency of the Slovak Republic under the grant 1/0339/17: The dynamics and comparison of institutional consolidation of far-right political parties and movements in the Czech Republic and Slovakia

the parliament, especially the party of Marian Kotleba Peoples' Party - Our Slovakia that has been ever since its establishment subject of many academic and public discussions. The other new political platform that gained popular support is just recently emerged political movement of businessman Boris Kollár – We are family. Another topic resulting from the parliamentary elections is the rise of negative campaign, anti-EU rhetoric of political leaders but also radicalization and extremism among voters. Such trends were mostly visible in the Czech Republic prior to Slovak elections.¹ Since it is not an easy task to develop the clear cut categorization and ideological spectrum of the new parties, the scholars usually argue with the measures of populism and far-right political orientation which may be quite correct in spite of the anti-systematic orientation, rejection of traditional conventions and political parties in Slovakia. The other surprise of the elections is the step back of the voters of the Christian Democratic Movement which, for the first time in the Slovak history had not passed the parliamentary threshold of 5% of popular vote.

These issues are inevitably bound with the changing nature and moods of the Slovak voters, the political processes and social and economic deprivation in various regions as well as tight international relations escalated through the very recent refugees' crisis and migrants' influx to Europe.² The spread of fear, paranoia, and national securitization campaigns as well as the negative campaign have all mobilized the voters to stress the position of nation state in Europe and to support, sometimes, non-democratic policy making, more authoritarian approach and rather populist and antagonistic approach to democratic values.

In this paper we aim to confront the electoral results with the popular support as interpreted throughout the research of public opinion polls as well as the research with respondents from international collaborative projects. Thus, the rationale of the paper demonstrates the interplay between the rise of radicalism and extremism in the society and political parties' populism and new trends of political leadership in Slovakia.

¹ FILIPEC, O., HURTÍKOVÁ, H.: Medial reflection of Euro myths in the Czech Republic. In *Contemporary European Studies*, No. 1 (2014), pp. 45-67

² KUBÍČKOVÁ, D.: Europe as a major migration region. In BOČÁKOVÁ, O., DUDŽÁKOVÁ, A. (eds.) *Migrácia v teoretickej a praktickej reflexii*. Brno: Tribun EU, 2015, pp. 69-75

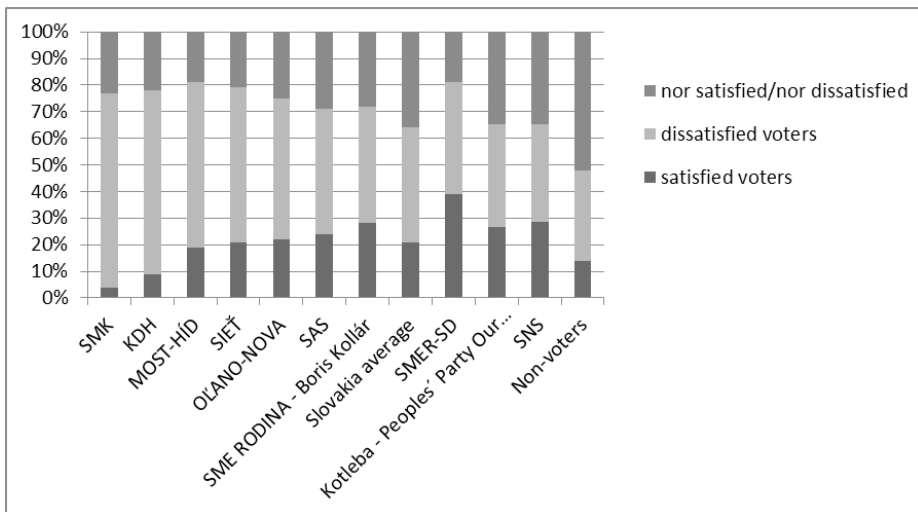
THE FAILURES AND SUCCESSES OF POLITICAL PARTIES IN PARLIAMENTARY ELECTIONS 2016

The political parties and their leaders play important role in the horizontal as well as vertical models of governance in the democratic framework. They represent the will of parts of the population as well as they are structured to provide the ideas and reasons for future society enhancement and public development. If the parties fail to deliver their basic legacy it has great consequences over the society. Current world is filled with crisis scenarios and management issues which imply from multiple international issues and discourses such as economic development, human potential and ethnic cleavages. The countries of the EU have undergone specific period with economic and social deprivation as well as the very important human dimension. The recent migration influx together with the rise of the terrorist attacks awareness only concluded the peak of the crises spread across the continent. It may be argued that Slovak political elites formed around the political parties fail in the same vein as their European counterparts. Dealing with economic recession, rise of nationalism, anti-European demonstrations belong to the most obvious problems that are facing the current societies. The representative democracy is structured around political parties and leaders who require followers – voters in this sense. If the parties fail to adapt to the will of the society, it results into electoral failures. Hence, a new space emerges for new parties that not always deliver clear-cut solutions or long-term productive development. We may also argue that traditional parties do not solely play they given tasks, at least not ideologically or programmatically which is mainly caused by the sudden and unexpected developments which cannot simply be influenced. The major domain of success of new political parties oscillating between populism, radicalism and extremism is thus a combination of the failures as well as the negative observance of political process as interpreted in various research projects and the departure of the ordinary citizens, especially young people from political engagement.

Such may be the post-electoral strategy for coalition building process. There are eight political parties in the parliament that would hardly create any logical coalition together due to the ideological, personal and other problems. Even though, SMER-SD became winner again with total 28% of popular vote it was still a negative surprise for the party leaders

according to the pre-electoral polls which indicated more than 30% in every aspect. Obviously, within the parties that participate in parliament, there is almost none coalition potential except the Slovak National Party to create the government with SMER-SD. And hence, a new four coalition had emerged after all negotiations – SMER-SD, SNS, MOST-HID, SIEŤ. The arguments vary but, for most voters it was created rather artificial and least beneficial coalition in the Slovak history. This is basically the failure of the electoral campaign slogans and promises made to the voters of the parties, otherwise, there may be some logical arguments supporting the creation of such coalition, mostly reflecting the inside control of the government and the ability to continuous economic and political stability of the country in the region, including arguments to prevent the far-right and populist political parties to gain more power. On the other hand, several parties including the governmental ones have already lost the voters' support as indicated in other post-electoral research and polls. According to these, the relatively most satisfied voters belong to supporters of SMER-SD or Kotleba's People's – Party – Our Slovakia.¹

Table 1: Overall (dis)satisfaction of voters in the electoral aftermath 2016



Source: Focus Agency, 2016

¹ FOCUS AGENCY: Hodnotenie parlamentných volieb 2016. [Online]. [Accessed 2016-08-10] Available at: <http://www.focus-research.sk/files/n187_FOCUS_Hodnotenie%20parlamentnych%20volieb%202016%20+-%20Volebne%20preferencie_marec2016.pdf>

Similar to this post-electoral research, respondents overall declared that are satisfied with the results at the level of 21% compared to 43% of dissatisfied with the electoral results. The part of the success of new parties can be demonstrated through the prism of targeted campaign on the social networks which is case of Kotleba – Peoples' Party Our Slovakia as well as We are family – Boris Kollár. The leaders of the parties quite frequently corresponded on the most favorite social networks reflecting the political, social and economic status of Slovakia and urged to promptly provide radical solutions or, most visibly to oppose the established parties with the remarks of their criticism. The visual perception is an important factor in the electoral process which is closely adherent to media, in particular in the last period in which the election campaigns increasingly are personalized.¹ The latter argument is found specifically in the new political leaders that emerged from business sector as a new trend of political avant-garde putting in advance the well-known faces from private or public enterprises, natural leaders, business people or leaders of formerly banned civic organizations, such as the case of Marian Kotleba. Another established source of gaining political power is a vivid trend of popular criticism of other parties and leaders² motivated by the vision to enter the parliament without any clear cut political ideology or program (OLANO-NOVA, We are family-Boris Kollár and partially also Kotleba Peoples' Party). Apparently, the traditional parties have created a vacuum for new political platforms, visions and predominantly political tools to acquire political power and support. Such trends include the raise in popular and radical rhetoric quite fueled with the worsened economic and social situation of people, growing Euro-skepticism and general distrust to conventional politicians and politics. As an example to the argument, Peoples' Party – Our Slovakia was created in 2011 with a strong position of its leader, Marian Kotleba as the alternative and only real opposition to corrupt and criminal democratic system and current political parties that exploited, betrayed and sold out our homeland and nation. This clearly illustrates the more organized attributes of extreme political party that ideologically and personally outcomes from the previously banned civic

¹ HORVÁTH, P., ŠVIKRUHA, M.: Impact of Digital Media to Electoral Behavior of Citizens. In MATÚŠ, J., PETRANOVÁ, D. (eds.) *Marketing Identity. Digital Life – part II*. Trnava: FMK UCM, 2015, pp. 370-377

² ŽÚBOROVÁ, V.: Newcomers in politics? The success of new political parties in the Slovak and Czech Republic after 2010. In *Baltic Journal of Law & Politics*, Vol. 8, No. 2 (2015), pp. 91-111

movement Slovak Unity. The leader of the party has recently become a president of substantively large region of Slovakia with ethnically mixed and heterogeneous population. In case of political party We are family – Boris Kollár, the major populism arose from the differentiation of the party from the politics with the motto “*Don’t vote politicians, vote Boris*” which implies a strong personalization of political party deriving from the general distrust of voters from political corruption, scandals and traditional leaders. The party argues its establishment as a primary reaction to situation in Slovakia but also in Europe. The major topics cover the securitization of the Slovak families as well as the eminent protection from outer enemies such as Muslim migrants to Europe who according to the party manifesto endanger our culture, religion and freedom, including our homes and families. The implication is also visible through direct remark on the terrorist attacks in Paris and Cologne. The rising populism of the party is demonstrated in the campaign against financial groups and oligarchy influencing the domestic policy-making, political puppets and servants who negatively contribute to the state and its exploitation. The growing popular support of the new comers in politics from non-political background only increases the trend of high voters’ volatility as advocated in more advanced studies already in 2012 constituting a new milestone in the Slovak party system.¹

Such trend of new political platforms and populist leaders is visible in almost all party systems across Europe which is currently being an object of interest and systematic research, ie. *Alternative Politics? The Rise of New Political Parties in Central Europe*.² The authors provide comprehensive analysis and overview of the electoral results of the newcomers, their impact on politics and broader public. Similarly, after the parliamentary elections in multiple European countries, international attention was brought on topics related to decline of mainstream political parties leading to fractured parliaments, unstable coalitions and divided governments.³ Regarding the recent parliamentary elections in Slovakia,

¹ STÍSKALA, J.: Party system of the Slovak Republic and its stability after 2010 and 2012 elections in comparative perspective. In *Slovak Journal of Political Sciences*, Vol. 12, No. 3 (2012), pp. 224-251

² MESEŽNIKOV, G., GYÁRFÁŠOVÁ, O., BÚTOROVÁ, Z.: *Alternative Politics? The Rise of New Political Parties in Central Europe*. Bratislava: IVO, 2013

³ HENLEY, J.: Why is support for Europe’s mainstream political parties on the wane? In *The Guardian*, March 29th 2016. [Online]. [Accessed 2016-08-10] Available at: <<https://www.theguardian.com/world/2016/mar/29/support-europes-mainstream-political->

Simon Hix reflected: *“What we’re seeing is a growing fragmentation of the vote, on the left and on the right.”* He continues *“the mainstream parties of the centre-left and centre-right that could once rely on 40% of the vote are now reduced to 20 or 25%. It’s happening everywhere, and it can be massively problematic.”*¹ The immediate comments over the electoral results reflected the loss for traditional parties and open space for the new platforms, usually bond with the notions of the rise of extremism and even neo-nazi political structures referring to Kotleba’s party. As advocated by the international media based on the monitoring of the electoral results it showed the tiredness of Slovak voters of the old political order with ties to scandals and corruption and thus pushing the voters to more protest and anti-system voting.²

THE POST ELECTORAL AFTER-MATH: POPULIST AND EXTREMIST DISCOURSES

The electoral discourse was highly affected by strong political populism, anti-elitism and anti-corruption manifestos. Usually, the newly established political parties bring new populist discourses as a political profile. Nevertheless, the populism compared to other ideologically linear waves such as liberalism, conservatism and socialism brings different and indefinite characteristics operating through many definitions and theories. One of the major problem of populism is its natural form that it can be considered as a political wave represented by political leaders but on a contrary, typical for populism can be also defined as a policy-making through legally and officially established traditional political parties and leaders who use such activities in their political agenda that can be profiled as populist. To be more specific, populist political activities do not immediately mean the party to be populist. One of the fact which enable us to categorize the populism is the ideological difficulty to frame the

parties-parliaments>

¹ GERMANOVA, M.: Slovakia’s governing party loses majority as far right makes gains. In *New York Times*, March 6th 2016. [Online]. [Accessed 2016-08-10] Available at: <http://www.nytimes.com/2016/03/07/world/europe/ruling-party-in-slovakia-loses-majority-in-elections.html?_r=1>

² BOČÁKOVÁ, O.: Korupcia ako negatívny a pretrvávajúci jav v ľudskej spoločnosti. In VITOVSKÁ, J. (ed.) *Bezbednosna i antikorupcijska politika u Evropskoj unii: zbornik naučnih radova sa međunarodne naučne konferencije*. Gložan, Srbsko: Srbsko Razvojno udruženje, 2012, pp. 18-25

nature and scope of the party itself, thus the party profile is not clear and visible through the campaign or the party program. The program usually incorporates many popular solutions which are particularly oriented toward people and their everyday life with prompt measures to resolve the ordinary problems. The other appeal is to give ultimate promises, to be the carrier of the change and society issues, sometimes putting the leaders into the positions of messiah. The criticism and anti-elite rhetoric is also very typical for political populism, the hard liners usually seek the public demonstrations to promote their visions and to openly criticize the conventional politics. This is also related to political corruption scandals, pointing on the responsiveness of the political leaders and their political and business background, family implications, clientelism and connections to financial corporations. From the strategical point of view, populist parties and leaders are not explicitly exclusive, but usually, they seek to become the catch all parties without the voters' preferences, i.e. minority-majority relations. Political populism also includes the fears and paranoias of public discourses, such as the international threats and dimension of state and people's protection, including the open EU criticism and xenophobic extremism. The populism is rising through public opinion, the flexible reactions and prompt responses to public demands, conflict resolution and political leadership ineffectiveness. Recently, the struggle against political dinosaurs and new visions emerged as the flagships of the populist political leaders and their parties, which is remarkable especially in the cases of OĽANO, Boris Kollár and Marian Kotleba parties.

The reasons of the voters' fatigue with conventional political parties differ. Hereby, we try to provide the basic arguments based from the post-electoral research and independent research agencies. Some of the exit polls indicated that the anti-corruption program as stated on the party web page and social networks played the major role in voters' motivation to vote for Kotleba's party. The other relevant factor is the securitization and national discourse in Slovakia, i.e. the protection of national interests stay at the foremost for many voters. It is also being argued that young voters helped the party to be involved in parliamentary politics. This may be true, albeit many of the people from socially and economically deprived regions took the vote despite being considered as social parasites by the party itself, which creates an electoral paradox. The systematic political campaign with ordinary people, volunteering activities of Kotleba party members at disasters and helping the people is a long time process

campaign building, avoiding thus the conventional TV discussions and expensive billboard campaigning. The major playground of Kotleba were social networks and contact with ordinary people, escalated also through organization and presence at public demonstrations related to the recent massive migrants influx to EU. Even the research with secondary schools students revealed that their priority in voting is either Kotleba party or the new political subject of Boris Kollár. In several parts of Slovakia, there are young unemployed people often struggling with the raising criminality and security issues and thus they seek for radical measures and solutions. On the other hand, systematic campaign also called for college educated voters which ultimately helped to gain votes. More than 50% of the voters have secondary education, while 20% possess university degree. Based on this, it cannot be argued that manually working, uneducated and angry voters created the electoral basis for the party. In general, young people following the last 25 years of political, social and economic development of Slovakia are mostly prone to radical problem solutions, effective state protection and systematic changes. These issues of radicalism are present and vivid in the evidence of large scale research results from the national but as well as international perspective.

Another political perspective has been created for the platform We are family – Boris Kollár. The topics of anti-elite and no political background played the major role of the party campaign. Creating distance from conventional politics was one of the motto of Boris Kollár who constructed the main part of the campaign based on his private business success and criticism of traditional politicians over the social networks. He combined the most successful strategies nowadays – anti-elite populism, corruption in politics, distrust to main political institutions and most specifically, the turnover from business to politics. In other words, the campaign pillars were vested in non-voting for politicians but for person, i.e. the personalization of politics without the previous political experience, scandals and personal bounds. The campaign, motivation and political ideology of the part was and still remains unclear, indefinite and open. Typical voter for Kollár is a young person, woman, young families and also educated voters or those who cannot find a better candidate amongst the large list of traditional politicians and their parties, the political dinosaurs in modern political jargon. Hereby, we put forward the combination of radicalism and populism with the notions of extremism of both parties, since their public statements often enhance the topics of securitization,

Muslim migrants and Roma population in Slovakia in a negative, rather radical manner.

While the immediate post-electoral media and public discourse focused on the results and the eminent presence of new political parties in the national parliament, the creation of government and the policy-making under the auspices of SMER-SD has become the major topic of media as well as scholars attention. Apparently, the first step of the new government was to elicit and limit the operational space for the new parties to be involved in the decision-making process which ultimately helped to establish the new government itself. The discourse is thus mostly related to state functioning, adoption of the new executive program for the upcoming period as well as the new social, economic and international dimensions. One of the many topics that the new government created after the March parliamentary elections incorporates is the Slovak presiding period in the Council of the European Union.

The government ultimately reacts also to the electoral results. The very introductory point of the declaration aims to strengthen society and political stability which reacts to the continuity and changes from the 90's as well as the focus is paid to the new democratic challenges as outcome of the society changes. This part of the program contains the democratic governance emphasis to guarantee the democratic values and government, securities for life freedoms, moral autonomies and economic prosperity. The program openly claims the European democratic traditions in respect to freedoms, human dignity and tolerance to fight fascism and right-wing extremism. Based on this, the government shall be ready to emphasize the politics of understanding and reconciliation of all nationalities living in Slovakia to start the new period of support for national minorities. The government seeks for society consensus and political agreement to support national, economic and political interests of citizens living in Slovakia.

CONCLUSION

The results of the parliamentary elections in Slovakia have revealed several new trends occurring in the public discourse. The very first is the continuous decline of voters from traditional and conventional political parties established since the creation of the independent Slovak Republic. The struggle against political dinosaurs, anti-elite and anti-corruption

power.¹ The resemblance of new wave populism represented by the new party leaders, unaffected by the previous political careers or emphasizing the role of individual in society and showing the potential of radical problem solution play dominant themes in the campaigns of various new parties and their leaders. Apparently, the open demonstrations to extremism is quite blurred and sophisticated through organized activities, targeting to social networks with the potential to activate the young voters, to break the apathy of voters from traditional parties and to provide new visions, although often populist. Nevertheless, it is a testing ground both for political actors, national and European policy-making and status of citizens in nation states. The potential of populist and radical measures is great operating on thin ice with marginal chance to repeat the political success if failed in the near future.

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¹ GERMANOVA, M.: Slovakia's governing party loses majority as far right makes gains. In *New York Times*, March 6th 2016. [Online]. [Accessed 2016-08-10] Available at: http://www.nytimes.com/2016/03/07/world/europe/ruling-party-in-slovakia-loses-majority-in-elections.html?_r=1

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PEOPLE'S PARTY – OUR SLOVAKIA: AN ANTI-SYSTEM PARTY?

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Abstract

Parliamentary elections in Slovakia in 2016 send surprisingly fourteen members of far-right People's Party – Our Slovakia (PPOS) into the Parliament and dramatically reshaped the political landscape in the country. The rise of extreme nationalist party is posing question to its nature and possible implications for political life, especially the dynamics of political competition, institutional function and democratic values. This article examines People's Party – Our Slovakia in the context of Anti-system party as developed by Giovanni Sartori and Giovanni Capoccia with special focus on relational Anti-Systemness and systemic consequence. The article concludes that People's Party – Our Slovakia fully matches definition of the typical Anti-system party and significantly challenges democratic system in both: ideological and relational way. Party also successfully exhibit blackmailing potential vis á vis coalition politics which will have significant impact on the government stability and possibly also democratic support of the pro-democratic political parties in Slovakia.

Key words

People's Party - Our Slovakia, Anti-System Party, Sartori, Capoccia, Kotleba, Far-right, Extremism

INTRODUCTION

Sartori in his works is not defining single concept of anti-system party so it is desirable to look at various parts of the term and create a set of characteristic. The first feature of anti-system party is the connection to the notion of blackmail potential. Blackmail potential according to Sartori finds its equivalent in the veto potential or veto power of the party. In this sense anti-system party changes political competition within arena.¹

¹ SARTORI, G.: *Parties and Party Systems: A Framework for Analysis*. Colchester:

Next to the blackmail potential Sartori has defined coalition potential and in this sense his approach is rather dualistic as there might be more anti-system parties which are able to form “radical coalition”. Thus blackmail potential does not exclude coalition potential. Second feature is the spatial position of the anti-system party in the political spectrum. Due to position in the pole of the spectrum the party is characteristic by the ideological distance from the governing coalition placed near the centre of political spectrum. In this sense anti-system party plays important role in definition of polarized pluralism, which is characteristic for its centre-aimed competition. Third, Sartori also notes that the anti-element vary over time from alienation to protest. For this reason the core aspect of anti-system party is the emphasis on delegitimizing impact. The party undermines the legitimacy of the regime. Contrary to protest parties an anti-system party does not present opposition to the issues but opposition to the principle, often as a part of extraneous ideology.¹

There are two dimensions within Sartori’s demarcation of the anti-system party. As pointed out by Giovanni Capoccia (2002) anti-systemness partially overlaps in two fields. It is a key concept in the study of party systems where the concept points to the ideological difference and in much broader study in aspects democratic regimes and thus refers to the party’s inherent character. In the first area of analysis, we can talk about relational anti-systemness and in the later one about ideological anti-systemness.² It is important to note, that both may vary and not be present at once. Based on Sartori’s analysis Capoccia presented three attributes of relational and systemic consequences effects, which are presented in the Table 1 below.

ECPR Press, 2005.

¹ Ibid.

² CAPOCCIA, G.: Anti-System Parties: A Conceptual Reassessment. In *Journal of Theoretical Politics*, 2002, Vol. 14, No. 9, p. 15.

Table 1: *Attributes of Relational and Systemic Consequences*

Relational Anti-systemness	Systemic Consequence
1. Distant spatial location of its electorate from that of neighbouring parties	Unequal spacing between parties (or space disjunction)
2. Low coalition potential	Multi-polarity
3. Outbidding propaganda	Centrifugality and increase in polarization

Source: Capoccia 2002: 15.

1 RELATIONAL ANTI-SYSTEMNESS

In this section are explored separate features of antisystemness and its consequences in application on the People's Party – Our Slovakia, as presented in the Table 1. The first attribute is distant spatial location of the electorate from that of neighbouring parties. In the case of People's Party – Our Slovakia we can observe specific voting behaviour during regional and parliamentary elections. During the parliamentary elections PPOS has challenged traditional views on radical party electorate. First, PPOS succeeded to attract votes from young people, especially first time voters. Most of them (22,7 %) voted PPOS. Young people between 22 and 39 voted for PPOS in 10,6 % cases, which is fourth highest rate. Second, PPOS succeed to gain votes from people who did not voted in the last (2012) elections. This trend was already present during 2013 regional elections.¹ Those people counts for 34,2 % of PPOS electorate. Moreover, another 25,2 % voters of PPOS voted in 2012 non-parliamentary party and 18,5 % voted for Smer – Social Democracy.² High percentage of former non-voters illustrates distant spatial allocation of electorate. Third, PPOS challenges also the perception of non-educated electorate among voters of radical parties. Basic education among PPOS voters had only

¹ GREGOR, K.: Who are Kotleba's voters? Voters' transition in the Banskobystrický Region 2009-2014. In *Mechanism of voter Mobilisation of L'SNS and Marián Kotleba*. Centre for European and North Atlantic Affairs [online]. [Accessed 2016-6-7] Available at: <http://cenaa.org/wp-content/uploads/2015/04/ANALYZA_MECHANISM.pdf>.

² DÖMEOVÁ, A.: Kde zobraľ Kotleba svojich voličov? Nevölili ho len extremisti. *Aktuality.sk*. [online]. [Accessed 2016-6-7] Available at: <<http://www.aktuality.sk/clanok/319782/kde-zobral-kotleba-svojich-volicov-nevolili-ho-len-extremisti>>.

6,8 % compared to 20,5 % of university educated and 54,4 % high school educated people.¹

The second attribute is low coalition potential which is clearly visible in the case of PPOS. Despite PPOS won 14 mandates out of 150 none of the parties have considered cooperation with PPOS. Party leader of winning Smer party Robert Fico did not consider coalition creation with PPOS member. Slovak president Andrej Kiska met leaders of all parties except PPOS and Kotleba did not receive even invitation for Slovak National Uprising celebration. These formal acts demonstrate clear line between democratic political values and extremism. Moreover it spreads the message that presence of PPOS is an unwelcome element in Slovak political life.

The third attribute is outbidding propaganda. In line with Sartori position, PPOS opposes the principles on which the regime is standing and undermines its legitimacy. This is visible on its motto "With Courage Against System". There is no direct reference to what system means, however from the electoral programme it is visible that some proposed changes are directly touching outcome and character of public institutions, including checks and balances, and possibly changing social reality. PPOS's programme can be characterized by economic radicalism, separatism and racism.²

Economic radicalism is present in several parts of the programme. For example PPOS calls for "liberating Slovakia from the slavery of international banking system" and the revision of privatization results. The party calls for nationalization of key economic sectors, including agriculture, electricity, gas or land in order to restore self-sufficiency of Slovakia. PPOS calls for restoring national currency. Economic radicalism may simply lead to property rights insecurity and unfair treatment of owners and in this sense to economic instability.

International separatism can be characterized as proclaimed goals of returning to Slovakia dignity, independence and sovereignty by starting referendum about exit from the EU, making Slovak law superior over EU norms (which in reality means exit from the EU including EU internal market) and changes in political orientation of the country towards "balanced

¹ Ibid.

² SPOS: *Volebný program. Kotleba – ľudová strana naše Slovensko*. [online]. [Accessed 2016-6-7] Available at: <<http://www.naseslovensko.net/wp-content/uploads/2015/01/Volebn%C3%BD-program-2016.pdf>> (16. 5. 2016)>.

cooperation with all countries in the world”. Military orientation seems to be controversial as well. On one side the party calls for leaving “criminal pact” NATO and restoring the idea of military neutrality; on the other hand they call for renewal of military production or the build-up of anti-air defence systems. This is, however extremist attitude as Slovakia is more than 80 % of its trade addicted to EU export. Moreover, revision of international status and EU withdrawal may lead to decrease in human rights protection and weakening of democratic control conducted by international bodies, including European Commission or Court of Justice of the EU.

Racism is most visible aspect of PPOS’s programme regarding the content and mobilization from the early beginning.¹ Protection against “escalating Gypsy terror” is key element of the programme which informs that “decent people in Slovakia are being every day robbed, raped and killed by Gypsy extremists”. The solution is hard strike against Gypsy terror, including the creation of militia and police exercises in the “black settlements”. The programme is hostile also to other minorities as the party is against “registered partnership and children adoption by perverts”. PPOS is also against “immigrant occupation” and calls for expulsion of immigrants imported by the European Union and the government.²

Some other proposals may change the nature of Slovak political system. For example PPOS calls for change in the number of elected deputies in the parliament from 150 to 100 which simply means concentration of power. The mandate of elected deputy will be weakened as there will be possibility of office dismissal by the citizens and politicians will face full criminal responsibility for their acts. Also the transparency of political parties would suffer as the programme proposes to ban state budget financing of political parties. The establishment of Militia (Domobrana) is also very controversial due to its resemblance with paramilitary forces characteristic for authoritarian and totalitarian regimes.³ Potentially, Domobrana may directly or indirectly challenge traditional monopoly on violence which is incompatible with democratic legal state. As pointed out by Timothy Snyder, there were many political organizations in history who supplied functions of state and in the end contributed to mass killing.

¹ MIHÁLIK, J.: The Rise of Anti-Roma Positions in Slovakia and Hungary: A New Social and Political Dimension of Nationalism? In *Baltic Journal of Law & Politics*, 2014, Vol. 7, No. 2, pp. 179-208.

² *SPOS: Volebný program*.

³ *Ibid*.

As a good example are SS or SA units in Nazi Germany.¹

Above mentioned programme proposals are far from simple protest party as they are significantly changing current political, economical and social orientation of the country and are going beyond the democratic standards and principles by changing the outputs and functioning of public institutions. The roots of mobilization are similar to those of protest parties but the programmatic goals are beyond the conventional politics. In this sense party continues the line set by previously banned civic movement Slovak Unity.² The use of sentimental phrases together with xenophobic and racist mobilization clearly contributes to centrifugalisation and polarization of the politics.

On the other hand appearance of far right wing political party can be understood as a reaction on recent development. Slovak political party system experienced the rise of newcomers. Freedom and Solidarity party (SaS) and Most-Híd (The Bridge) party of Hungarian minority appeared in liberal space of political spectrum, which was freed after Smer – Social Democracy changed programme orientation towards more conservative voters.³ In this sense the appearance of PPOS may be understood as the reaction on liberal parties and imperfect programme transition of Smer. This also explains why almost one fifth of PPOS electorate voted for Smer during last elections.

2 SYSTEMIC CONSEQUENCE

The presence of PPOS in the Slovak party system contributed to unequal spacing between parties as all parties except the movement *Sme rodina* (We are Family) of Boris Kollár who stated that his movement will negotiate even with Kotleba and will support in the Parliament all good proposals (not excluding PPOS proposals). In this sense *Sme Rodina* is the only potential link between PPOS and rest of the political parties bridging the gap. Due to political isolation in the Parliament PPOS is sentenced to play anti-systemic opposition.

¹ SNYDER, T.: *Tyranie – 20 lekcí z 20. století*. Praha: Nakladatelství Paseka a Prostor, p. 38.

² MIHÁLIK, J.: The Support for Radicalism and Extremism among Young People in Slovakia. In: *2nd International Multidisciplinary Scientific Conference on Social Sciences & Arts*. SGEM Conference Proceedings, Book 2, 2015, Vol. 1, pp. 435-442.

³ ZÚBOROVÁ, V.: Newcomers in Politics? The Success of New Political Parties in the Slovak and Czech Republic After 2010? In *Baltic Journal of Law & Politics*, 2015, Vol. 8, No. 2, pp. 91-111.

Second, Slovak political competition in the party system reflects mainly socio-economic cleavage.¹ The presence of PPOS added new pole into the system as economic radicalism presented in the programme is out of conventional socio-economic cleavage and stood behind the creation of new cleavage based on extremism vs. liberal democracy. Due to PPOS presence in far left economic and far right political space, the direction of political competition of other parties has been shifted closer to each other. This is visible on the established coalition when social democrats created coalition with parties from opposite part of the spectrum as Slovak-Hungarian party Most-Híd, Slovak national party SNS-SK and Siet' (Network). The coalition seems to be very heterogeneous, as economic values of Most-Híd are contrary to Smer-SD or coalition covers parties with contradicting pro-Hungarian and pro-Slovak nationalist values. This bizarre coalition has been created partly as the result of PPOS presence in the Parliament and changed political balance. By collecting votes from far right and far left PPOS is limiting the party competition and contributes to polarization of politics.

Third, presence of PPOS in the party system contributed to polarization in politics. This may be visible in media which adopted unofficial code not to give space to PPOS and made agreement about proper use of words like "radical", "extremist", "fascist" etc. Even when media reported negatively about right wing extremism they partly contributed to Kotleba victory in 2013 local elections as the negative political marketing has potential to attract attention of disappointed voters who may share party negative attitude towards elites and Roma minority.² On the example of Regional elections it was found by Peter Spáč and Petr Voda (2015) that in the municipalities with higher number of Roma population Kotleba succeeded in securing higher number of votes.³ Polarization is within and outside Parliament is visible also in the case of Stop Fascism Initiative

¹ PINTERIČ, U., ŽÚBOROVÁ, V.: Party Arenas in Slovenia and Slovakia. In *Društvena istraživanja*, 2012, Vol. 23, No. 2, pp. 349-368.

² KLUKNAVSKÁ, A.: A Right-wing Extremist or People's Protector? Media Coverage of Extreme Right Leader Marian Kotleba in 2013 Regional Elections in Slovakia. *Intersections*. In: *East European Journal of Society and Politics*, 2015, Vol. 1, No. 1, pp. 147-165.

³ SPÁČ, P. VODA, P.: Just a Roma issue? The Support for Marian Kotleba in 2013 Regional Elections. In *2013 two years after: studying electoral success of right-wing extremism in Slovakia and what to do about it*. [online]. [Accessed 2016-6-7] Available at: <http://cenaa.org/en/wp-content/uploads/2015/10/texty_konferencia_2_final_aj_2.pdf>.

which has been signed by 21 Members of the parliament and more than 2500 citizens.¹ The presence of PPOS within political system is allowing voters to think and vote an alternative out of the liberal democratic value system which contributes to the “centrifugality” of politics.

CONCLUSION

People’s Party – Our Slovakia has features of both relational and ideological anti-systemness. Relational anti-systemness can be observed by distant spatial location of its electorate from neighbouring parties, as electorate is composed on non-voters, first time voters and disappointed voters of Smer. Party also has low coalition potential and is subject of isolation in the political system. PPOS pursues radical political programme based on racism, international separatism and economic radicalism. Party has also systemic consequences, as political isolation changed political competition within parliament and its presence created new pole. PPOS presence in the parliament is controversial as well as its political programme. Party members contribute to centrifugality of politics and increases public polarization.

Table 2: *Typology of Political Parties According to Anti-Systemness*

		Relational Anti-systemness	
		YES	NO
Ideological Anti-systemness	YES	Typical Anti-system parties	Irrelevant ASPs Accommodating ASPs
	NO	Polarizing Parties	Typical Pro-system parties

Source: Capoccia 2002: 24.

Based on the presence of relational and systemic aspects of the anti-systemness we can distinguish according to Capoccia between five types of parties, as presented in the Table 2. Due to PPOS relational and ideological anti-systemness the party can be labelled as typical anti-system party.

¹ *Stop Fašismu* (2016) Postup demokratických síl proti strane Kotleba –ĽSNS v NR SR a spoločnosti. [online]. [Accessed 2016-6-7] Available at: <<http://stopfasizmu.sk/>> (7. 6. 2016) >.

The presence of anti-system party within political system in Europe is not rare phenomenon and is well observable in many countries and in some aspects their presence may be even healthy for democracy. However, due to increasing volatility of electorate the presence of anti-system party presents certain risk. Possible ban of PPOS will not solve the issue of extremism in Slovakia, but may at least send clear signal to the society and other political actors about the limits or even temporarily contribute to institutional reorganization of far-right spectrum. This may possibly lead to fragmentation of the movement and create another obstacle to gain seats within democratic institutions. Transformed or newly established party will act formally in moderate way, but the real politics will be different.

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THE DEVELOPMENT OF EUROPEAN IDENTITY AND IT'S DETERMINANTS

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Abstract

European integration has passed an extensive development, where the original economic community of nations gradually formed a political union, which many experts consider to be the political system. Our goal is carry out the empirical-analytic evaluation of the development process of the adopting the European identity by the citizens of the EU. Our attention will be focused mainly on aspects that may be considered as the greatest determinants having an effect on its deepening. Our ambition will also compare the level of European and national identity of Europeans and the theoretical basis of our research will be based on the approaches of social constructivism, which believes that EU actors have multiple identities and they mutually learn on the basis of the Europeanisation process, they socialize each other, adopt the European legislation, and afterwards the result of that is the creation of their shared European identity. The intention of the work will be to elaborate discussed issue on the base of the concept of citizenship, nationalism and ethnicity, which we see them as a tools largely influencing the level of collective and personal identity of the EU citizens. Attention will be given to the current trends, which can be considered to be significant determinants of contemporary political discourse at the level of European policy.

Key words

European identity, European integration, citizenship, national identity

1 THE EU AS A FORM OF POLITICAL COMMUNITY

Reflections on the unification of Europe, connected with overcoming the borders of national states and the creation of supranational bodies appeared long before the emergence of the ECSC, which can be considered as a first step towards the creation of the European Union. The history of Europe

is generally associated with a number of diverse attempts of integration, but on the other hand, it remembers a very long period of disintegration, marked by bloody combat encounters. War experience of two world wars brought the nation-states of Western Europe to a new type of cooperation, which foundation was so called transnational basis - giving up a part of their sovereignty for the good of common supranational institutions. "Father of Europe" Robert Schuman together with Jean Monnet were convinced that a sustained reduction of conflicts between European countries is only possible by overcoming nationalism and chauvinism, and believed that so called "Spirit of Europe" is gradually developing in the consciousness of Europeans gradually on the basis of common values and traditions as well as the new opinions that are affected by an uniform procedure and cooperation.¹

Even the beginning of European integration are thus associated not only with the effort to restore economic and political structures, but also with a kind of moral reconstruction, of which the main idea was solidarity, recognition and mutual identification in order to conduct the so-called European society. From initially Economic Community of six founding countries the political union was gradually created, whose creation can be dated by ratification of the Maastricht Treaty, which established the Economic and Monetary Union of EU and common foreign policy of EU. In response to a question, where may be the EU included, has been a long dispute between two groups – one, which perceive the EU is only as a kind of product of agreements of international law, namely international organization and others, who take it as something more. However, it is important to realize if once a kind of social and legal relations develops between states and citizens, so undoubtedly we could speak of a political entity. According to the words of renowned British political scientist Simon Hix, the EU can be regarded as a political system, as it has stable institutions, which have clear rules, have the power of allocation of resources as well as the competencies to make decisions and issue obligatory legal acts. According to him the political system is capable of existing without the state, while the most significant attribute of its viability is a functioning system of mutual relations. Relying also on the views of David Easton, who argues that political community exists if the members of the community demonstrate their willingness and ability to cooperate in order to solve their political problems, we believe that the EU

can be regarded as a political system in which member countries create a political community. In this context, however, it raises the question whether a sense of belonging among its citizens has been developed, which can be called European identity. The existence of a shared collective identity of Europeans is needed according to many experts, while according to the words of Scharpf it is one of the main preconditions for EU democracy.¹

2 THE IMPORTANCE OF SHARED COLLECTIVE IDENTITY AND THEORETICAL APPROACHES TO ITS EXAMINATION

Many authors claim that the same level of European identity of EU citizens represents the basal condition for a sustainable level of legitimacy of the European institutions and EU policies. This need of so-called “Common European spirit” is rooted according to Habermas in the belief that citizens must feel adequately represented and integrated into decision-making processes of the EU, which is possible only on the basis of their own beliefs that they are equal members of one community. This sense of belonging so inevitably produce the acceptance of the legitimacy of policies, solidarity and redistribution of EU by the European community.²

Among the important works that deals with the legitimacy of the EU belongs the above mentioned work of Fritz Scharpf who talks about so-called “inputs” and “outputs” of legitimacy. “Output” in its definition is the ability of the European Union and its institutions to govern effectively for the people, and “input” means the need for political participation of citizens on governance. The ideological basis of normative requirements of legitimacy of the system can be sought in the famous words of Abraham Lincoln, by who the democracy requires the government of the people (political participation), through the people (citizens’ representation) and for the people (governmental effectiveness). Similar definition of legitimacy of the system we could also read or hear from David Easton, according to him the “input” of the political system are requirements and support of citizens, including their common identity and trust in the

¹ SCHEUER, O., SCHMITT, H.: Dynamics in European Political Identity. In *Journal of European Integration*, 2009, pp. 551-568.

² VERHAEGEN, S., HOOGHE, M., QUINTELIER, E.: European identity and support for European integration: A matter of perceived economic benefits?. In *Kyklos*, 2014, Vol. 67, No. 2, pp. 293-314.

system, while “output” are in his understanding governmental decisions and actions.¹

The EU, in order to be democratic and legitimate in all ways, according to the opinion of many reputable theorists, needs the existence of political nation, also called as demos, which would be marked by shared collective European identity. There are also opinions, according to which the idea called “ever closer union” is not possible if in the national member states of EU is not sufficient support of European integration from the citizens.²

Building of the political community or in other words demos is not requiring a series of governmental institutional decisions, but the development of strong bonds between citizens of the system. According to Ferry this political community must be built on a moral complex of shared values, on this base get its citizens the sense of belonging. Ulrich Beck disagree with this claim, he speaks about so-called “cosmopolitan integration” based on paradigm of acceptance of the diversity of European nations that is the solution of this case, not the problem. Jürgen Habermas also created his post- national idea of Europe on the base of cosmopolitanism. His theory of “constitutional patriotism” is based on belief that collective identity of Europeans must be based on abstract universalistic principles that are inseparable part of liberal-democratic constitutions based mainly on human rights.³

In the second half of 1990‘ s in the study of European integration a new theoretical approach appeared, called social constructivism that in contrast to previous theories didn’t bring complete theses about European integration and its actors, but it presented completely new understanding of social reality. Its main thesis is argument that social reality is created on the base of mutual social interactions. The EU, together with its member states is therefore seen as changeable constructions of human society that are not immutable actors and their identity and interests may vary over time. The main objective of social constructivism is therefore examining of standards, shared ideas and patterns of behavior, which are factors that directly affect, create inter-converting collective identities. Constructivism

¹ SCHMIDT, V. A.: Democracy and legitimacy in the European Union revisited: input, output and ‘throughput’. In *Political Studies*, 2013, Vol. 61, No. 1, pp. 2-22.

² VERHAEGEN, S., HOOGHE, M., QUINTELIER, E.: European identity and support for European integration: A matter of perceived economic benefits?. In *Kyklos*, 2014, Vol. 67, No. 2, pp. 293-314.

³ ETZIONI, A.: The EU: The communitarian deficit. In *European Societies*, 2013, Vol. 15, No. 3, pp. 312-330.

has been defined mainly against rationalism in terms of rejection of the so-called rational choice theory, which determines the behavior of political actors in their efforts to maximize profits, favoring behavior that is controlled by internalized standards and cultural patterns, based on so-called the logic of appropriateness. Proponents of constructivist theory direction believe that in particular the concept of Europeanisation, representing the adaptation and integration of the national states to the regulatory framework of the EU is actually a process of social learning of all actors. They are not looking at the performance of European policies, but rather to which extent are the policies compatible with civic values and a shared identity. They are looking also to the way by which they are selecting policies legitimized by the EU leaders and the European public.¹

Individual collective identities that has every individual more than one, so they can co-exist together, as recognized by Karl Deutsch and Ernst Haas, who believe that the identity of the current EU member states can be understood and explained as so-called “Cake model”, whereby individual components of identity can be influenced by each other and blended into each other, which is directly related to the process of personal Europeanisation of individuals, EU citizens.²

3 THE DEVELOPMENT OF EUROPEAN IDENTITY IN THE CONTEXT OF SHARED VALUES AND SYMBOLS

Europe in its complexity presents a summary for thousands of years of emerging nations, characterized by different traditions and political cultures. This fact suggests that Europe can't be converted into one state for example according to the US model. European unification can therefore only take place with the help of nations with their specifics, not at their expense and against them. European identity is therefore built on the pillars of the diversity of European nations, and the basal element is mutual recognition of the differences that us, the European community of nations, makes unique. The need for a collective European identity was declared by nine member countries as early as 1973, when they adopted a declaration on European identity on Copenhagen summit. Aware that unity is the basis for a prosperous future, the states have undertaken to

¹ KRATOCHVÍL, P.: *Teorie evropské integrace*. Praha: Potál, 2008, p. 219.

² CRAM, L.: *Identity and European integration: diversity as a source of integration*. In *Nations and Nationalism*, 2009, Vol. 15, No. 1, pp. 109-128.

defend the principles of representative democracy, social justice and the rule of law in state, which are regarded as important elements of a common European identity. They stressed the need to increasingly speak with one voice on the international scene, while they declared their commitment to the convergence of attitudes to life and raising awareness of specific common interests. Later, in 2000, the official motto of the EU was adopted, which reads: “Unity in Diversity”, symbolizing the ambition to create a new community, based on both the national maintaining the diversity of European cultures, languages and customs. Based on Deutsch’s communication theory, relying on the argument that integration is directly proportional to the intensification of communication can be expected that the continuing European integration also depends on deepening of European identity based on the reproduction of its fundamental values. Every collective identity is generally linked with the real “stories” representing a kind of carriers that are expressed by mythological, cultural or historical factors or events. These “stories” can be called the knowledge of a shared destiny, whose exclusivity connects the population of that community into a single political nation. One of the models of such a story could be considered so-called transnational story, directly associated with elements of European integration such as the EU summits, Europe Day and highlight the importance of the European flag and anthem. It is also connected with the history of the founder of the ECSC Jean Monnet, with the ideas of moral and political excellence of European policy or the common European culture.¹

In terms of concrete constructs of collective European identity we can speak of a cultural Europe, the geographical Europe, Europe for human rights and political Europe. About the political preferences of Europeans can be generally said that they trust to organizational and management capacities of the state that they are in favor of the ideals of freedom and social guarantees from the state. They are active supporters of democratic principles, freedom, individualism and humanism connected with the global promotion of human rights. Discourse oriented to deepen the European identity refers to the many common roots, such as Christian morality and heritage of Greco-Roman civilization and the ideas of the Enlightenment. Europeans also tend to refer to common cultural achievements in music, literature and architecture. Their common history

¹ EDER, K.: A theory of collective identity making sense of the debate on a ‘European identity’. In *European Journal of Social Theory*, 2009, Vol. 12, No. 4, pp. 427-447.

is connected to the European symbols, which can be considered as Roman monuments, victory over Islam, the Crusades or the French Revolution. Europe is in this sense a specific area, because individual nations already in the ancient times were never completely isolated against foreign cultural and political influence, resulting in penetration of Arab, Jewish and other eastern cultural elements in Europe, where they domesticated. Europeans are also connected in shared lessons from the totalitarian experience of the Holocaust and many mutual enemy conflicts that based on the success history of the European Union led them to believe that the path of European integration is correct.

As claimed by Peter Juza, elements of the identity of people consist of tradition and reality suggesting that the parameters of collective identity are constantly changing.¹ This fact tells us that the so-called European story in continuity to current and future events changes or adds, what ultimately may show by different level of deepening the European identity of EU citizens.

4 NATIONAL IDENTITY AND ITS IMPORTANCE IN SHAPING A COMMON EUROPEAN IDENTITY

Despite the fact that the primacy of the national identity of individual European nations is undeniable, it does not necessarily prevent the consolidation of a European identity, as well as strong national feelings does not mean braking effort of ongoing integration. However, based on the amount of different nations that are part of the European community, it would be an illusion to assume that European identity over time will completely replace the individual national identities. The reason for this strength of national consciousness is the centuries built culture, tradition and long history of nation-states of Europe. The rate of adoption of European identity is to a great extent directly affected by the course of ethnogenesis of the chosen nations. It is a natural consequence of the fact that national identities have not evolved in the geographic and social isolation, but rather are the result of intensive interaction between the ethnic communities. Some theorists hold the opinion that level of shared European identity rather than cultural circumstances depends on political

¹ JUZA, P.: A Historické formovanie identity a postkomunistická realita v Uzbekistane. In *Teoretické prístupy k identitám a ich praktické aplikácie*, Bratislava: Ústav politických vied SAV, 2005, p. 220.

developments in other words, the history of the political experiences of the nations of Europe. An example is the dichotomous development of identities in the former Western bloc and the countries of the former USSR, which is directly related to their current European self-awareness. After the Second World War, Western countries went largely democratic way of liberalism and capitalism, while the former Eastern bloc countries have lived almost 50 years in a totalitarian socialist society with a planned economy. Especially in Post-communist countries of Central and Eastern Europe there is still a lot of stereotypes of thinking and acting including the original ethnic beliefs preventing the restoration of civil society and democratic character of the country. Such stereotypes, mostly elderly citizens, are condemning the institute of private property, parliamentary democracy and the xenophobic attitude to Western European system as a whole.¹ It can therefore be claimed that the countries of Western Europe, which are members of the European Community substantially longer period of time, have in many respects a greater degree of European consciousness. Based on the presented facts it can be argued that in effort to exactly define and in particular to measure the level of European identity of Europeans, we are meeting inter-group differences. Therefore, when two different EU citizens say that they feel to be European, it could de facto signify completely different meanings in terms of the intensity of the described extent of shared identity and specific variables on which they are considering.

The fact that the correlation of national identity and European identity can't be seen as antagonistic, show specific examples in which European identity represents a significant factor complementing national consciousness, or even when European integration had direct positive effect on national pride. Interesting in this case appear to be particularly the regions as Scotland, Wales and Catalonia, whose national identity is suppressed by the national states or questioned and their support towards the EU is more significant. Another example is the possibility of carrying out a sort of "virtual reunion" of national members on supranational level, who are allowed to pursue its statehood that overstep national and state boundaries (e.g. the case of Hungary). The EU can also facilitate the emergence of new concepts of national identities as in the case of divided Cyprus. Malta is an example where European integration can mobilize

¹ GBÚROVÁ, M.: Národná a občianska identita v procese tvorby integrovanej Európy. In *Európa medzi identitou a integritou*, Prešov: Filozofická fakulta PU, 2002, p. 403.

national identity, which until then had no clear targeting. European identity has played a particularly important role in building a cohesive Spanish national identity, since European integration conjured for most Spaniards a synonymous of modernity, democracy, tolerance and progress. The EU has for them become a model of civil society to help them resolve their regional disputes.¹ Given that facts, it is believed that a certain level of adoption of the “European spirit” in some cases even appears as an integral part of national identity.

Although the EU is understood as a unique project, which is a real political experiment arising from historical conflicts and the necessary change to overcome the destructive tendencies of nationalism, this phenomenon of form of politics identity also in today’s Europe still has its place. Central Europe is according to Viera Žuborová the area where after the fall of communism was created a kind of ideological vacuum, the identity crisis that did not allow people to take a central goal or idea because of fear. On this basis, in this area, there began to awake nationalist tendencies in the minds of citizens.² However, these tendencies in today’s period are not noticeable only in Central Europe, because an increase in populist-nationalist parties has become a trend across Europe. Examples are electoral success of the French National Front, the British UKIP, the Dutch Freedom Party, the Danish People’s Party, Sweden Democrats and the True Finns. Many of these parties are successful both at national and at European level of politics. Their common denominator is often the opposition to further integration and harsh criticism against immigration.

5 DIFFERENT FACTORS AFFECTING THE FORMATION OF EUROPEAN IDENTITY

One of the important tools for the building of political nation and enhancing the population’s identities is citizenship. Marshall defined citizenship as a status, which means full membership in the community. He sees it as a concept that directly impact on the social structure of the community, reducing risks and uncertainties, allows to achieve equality of status and enhance the civilized life, in terms of giving them an opportunity

¹ CRAM, L.: Identity and European integration: diversity as a source of integration. In *Nations and Nationalism*, 2009, Vol. 15, No. 1, pp. 109-128.

² ŽUBOROVÁ, V.: The aspects of postcommunism in central Europe. In *Slovak Journal of Political Sciences*, 2009, Vol. 9, No. 4, pp. 151-181.

to fully integrate into society.¹ The Maastricht Treaty introduced the concept of European citizenship, which provides the guaranty of freedom of movement and residence within the EU, the right to vote and to be elected, to apply to petitions and complaints on EU, consular protection, equal access to public services etc. This is a citizenship, whose profit is directly conditional by the ownership of citizenship of one of the EU member states and it is only its supplement. The problem, however, regarding citizenship and its role as a tool supporting the deepening of European identity seems to be a different perception across EU Member States as well as other legal conditions for obtaining of national citizenship. These differences are often in different historical definition of citizenship in individual countries. Interesting object of research in the area of European citizenship in creating a European identity appears to be representatives of the various ethnic minorities, whereby the member countries do not grant national citizenship. An example may be e.g. The Baltic countries, where decades of years they denied for the living Russian minority the acquisition of citizenship.² Paradoxically, the regular sociological studies show that the identity of ethnic minorities living in EU countries showed a positive correlation with the European identity. The question is whether EU citizenship really deepens European identity, or by the citizens it is perceived only through the prism of the advantages and opportunities that it provides. This statement highlights the heterogeneity of European society, where the individual national states are formed mostly several subcultures, each of which may due to different factors show a different degree of European consciousness. One of the recognized hypothesis says that if the citizens will realize the economic benefits of transnational cooperation, most likely it will lead to a deepening of the European consciousness, from which also depends their positive attitude towards further strengthening of transnational principle. Generally speaking, it is true the belief that the primary objective of the EU is to create wealth. The surveys also say that better educated, better skilled and globe-trotting young people feel stronger interface with the EU than the older generation.³ Based on

¹ GARCIA, S.: Cities and Citizenship*. In *International Journal of Urban and Regional Research*, 1996, Vol. 20, No. 1, pp. 7-21.

² MIHÁLIK, J.: Playing ping-pong with minority policies and integration: the cases from Estonia, Latvia and Slovakia. In *Journal of Geography, Politics and Society*, 2014, Vol. 4, No. 2, pp. 46-66.

³ WAECHTER, N.: European Identity and its Relationship to National and Ethnic Identities among Younger and Older Members of Ethnic Minority Groups. In *Slovak*

Habermas's argument that post-national democracy in Europe depends on the creation of a European communication space, we see the lack of a common European language and media in some sense as a deficiency. European discourse on nation-state therefore largely depends on domestic political actors speaking in the national language to the citizens through the national media. This fact demonstrates Ondřej Filipec on the example of the Czech Republic, where he combines passive attitude of citizens and the low level of awareness of the EU with high levels of confidence towards the media. Especially tabloid media, showing considerable popularity, but often spread so-called "Euromyths", informs about the EU in a negative sense.¹ Promoting of integration is by European citizens affected by short-term fluctuations of public opinion, but to a large extent it depends on the current political situation, which is in the EU currently linked with more crises. In particular migration crisis, representing the current EU's greatest challenge, caused enlargement of the declaration criticizing EU by many traditional political parties. However, migration is a phenomenon connected to the globalization process and its elimination is really difficult. The migration process entails a modification of values, because oriental religious systems penetrate into the unified European community. Islam becomes the fastest growing religion in Europe, what ultimately causes insecurity to Europeans, whose protective reflex is the closing, which ultimately produces the revival of nationalist tendencies.

CONCLUSION

The European Union is truly unique and specific project whose ambition is to create growing European awareness between citizens, as the continuing integration and centralization of European institutions can only be successful with the support of the people. Based on a number of mentioned facts, we believe that the level of European identity, which depends on many things, will never in the frame of EU member countries develop steadily. It is a generally known fact that while Western Europe has a general tendency to tend to deeper integration, post-socialist countries after the collapse of the Soviet bloc experienced an increase in nationalism. Also, it can be argued that the current citizens of the EU who

Journal of Political Sciences, 2014, Vol. 14, No. 2, pp. 99-121.

¹ FILIPEC, O., HURTÍKOVÁ, H.: Medial reflection of Euro myths in the Czech Republic. In *Contemporary European Studies*, 2014, No. 1, pp. 45-67.

have become a part of it at a later age, have a lower degree of identification with European values than for example their children. National identities, which are the historical product of history, are often impediments of deeper self-identification with the EU, with its values and policies, but we do not perceive them as insurmountable. Future support for European integration and enlargement of the European identity, however, will largely depend on the politic actions of EU towards solving European migration crisis.

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LACK OF CHRISTIAN VALUES IN THE EUROPEAN CONSTITUTION

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Abstract

The article deals with a role of Christian Democratic parties in the adoption process of the Treaty establishing a Constitution for Europe. It defines elementary diverse perceptions of Christian Democratic parties and their typology. In the following text is defined each EPP member party in relation to the Christian Democratic typology, we quantify voting of the various political parties within EPP and we analyze discourse of the European Constitutional Treaty ratification process. The final section will try to finalize the conclusions leading European Christian Democracy to the adoption of the Constitution without reference on Christian values and God. At the same time, we will determine the reasons that could lead the Polish political parties and the Slovak party KDH not to support the document on the European level as lonely parties.

Key words

Christian Democracy, Treaty establishing a Constitution for Europe, political parties

INTRODUCTION

With theoretical development of Christian democracy before/after 1989 and in broader European context dealt in Czech political scientists Petr Fiala and Maxmilián Strmiska. In their articles, they researched phenomenon of Christian Democratic political parties, theoretical approaches to the patterns and models of party system and with the position of Christian Democratic party family in democratic societies¹.

¹ See FIALA, P.: Křesťanské politické strany v západní Evropě. In *Politologický časopis*, 1996, Vol. 3 No.1, pp. 30-37.; FIALA, P.: Identita křesťanských politických stran. Proměny ideově politické a strukturální pozice evropské křesťanské demokracie. In FIALA, P. (ed.): *Křesťanské alternativy v politice*. Brno : CDK, 1997, Vol. 4 No. 3, pp. 71-92.; FIALA, P., STRMISKA, M.: *Teorie politických stran*. Brno : Barrister

In Slovakia was published original monography by Radoslav Štefančík¹, in which he analyzed election results of Christian Democratic parties, their electoral support and their place in the Slovak party system. Specific research on Christian Democratic party family on the passing of the Treaty establishing a Constitution for Europe has so far not taken place in Slovakia. Criticism on the European Constitutional document free of incorporating a reference on Christian values was the subject of the analysis mainly in the Law studies².

The structure of the article is divided into three sections. Specification of the Christian Democracy as a party family will be defined in the first part, with basic bibliography of this phenomenon. The core section will deal with Christian Democratic parties' positions towards the Treaty establishing Constitution for Europe. The last part will try to analyze and explain the reasons and causes of the Christian Democratic parties not to implement the Christian values into final version of the document. In the article, we will try to answer the listed research question.

Research question:

The position of the supranational European Christian Democratic Party EPP on European Constitution was the result of compromise over the institutionalization of Christian values, because of the weak position of Christian Democratic ideology in the strongest EPP member parties.

& Principal, 1998.; FIALA, P., STRMISKA, M.: Spříznění volbou? Křesťansko-demokratické a křesťansko-nacionální strany v postkomunistických pluralismech. In *Politologický časopis*, 2001, Vol. 8 No. 3, 2001, pp. 279-286.

¹ ŠTEFANČÍK, R.: *Christlich Demokratische Parteien in der Slowakei*. Trnava : UCM, 2008.

² See BĂRBULESCU, I. G., ANDREESCU, G.: References to God and the Christian Tradition in the Treaty establishing a Constitution for Europe: An Examination of the Background. In *Journal for the Study of Religions and Ideologies*, 2009, Vol. 24 No. 8, pp. 207-230. [online] [12. 10. 2016] Available at: jsri.ro/ojs/index.php/jsri/article/viewFile/298/297; CVIJIC, S., ZUCCA, L.: Does the European Constitution need Christian Values? In *Oxford Journal of Legal Studies*, 2004, Vol. 24 No. 4, pp. 739-748. [online] [12. 10. 2016] Available at: <http://ojls.oxfordjournals.org/content/24/4/739>; MENÉNDEZ, A. J.: A Christian or a Laïc Europe. Christian Values and European Identity. In *Ratio Juris*, 2005, Vol. 18 No. 2, pp. 179-205. [online] [12. 10. 2016] Available at: <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9337.2005.00294.x/abstract;jsessionid=735025F9084C0AD6EA7F8D2C93BB4FD0.f04t02>

We will combine qualitative approach with some other methodic processes. The basic theoretical definition of Christian Democracy in the chapter will be more normative than is usual in the standard comparative case study¹. In the classification of different categories of Christian Democratic parties will be necessary to determine between the elemental differences of examined political parties. The researched position of Christian democracy activities on Treaty establishing a Constitution for Europe will be much closer to the quantitative approach. Interactions between parties within party family will be more explanatory, but the evaluation of the positions will be on the other hand, more interpretative. When we assess the structural cause of the Christian Democratic deputies' political behavior, we will use the comparative method and the diachronic approach when we are monitoring the position of different national Christian Democratic parties on one phenomenon at the European level and we will try to analyze different causes of their voting. Research process of the voting at the national level and the collapse of adoption process of European constitution in the national referenda or legislative process are outside the analyzed issue.

The issue of definition of Christian Democratic ideology towards conservatism and liberalism is often overlooked and Christian Democracy is researched by a small group of authors. Grabow² simplified (and modern) defines as the basis of Christian democratic ideology the Christian perception of humanity. In terms of political practice, the ideological movements are constituting one European political groups. In European institutions, this trend is confirmed in particular by linking Conservative and Christian Democratic parties into joint supranational political parties³. Characters, which differ these two types of parties defined primarily Kalyvas, van Kersbergen and Pombeni⁴.

¹ Under the term Christian democracy we understand not just the ideology, but predominantly the policy activities of Christian Democratic parties in the European party system, as in the national, so in the supranational level.

² GRABOW, K. (ed.): *Christian Democracy: Principles and Policy-making*. Berlin : Konrad Adenauer Stiftung, 2011, p. 7. [online] [12. 10. 2016] Available at: <http://www.kas.de/wf/en/33.21408/>

³ HIX, S., LORD, C.: *Political Parties in the European Union*. London : Macmillan, 1997.

⁴ See more: KALYVAS, S, van KERSBERGEN, K.: Christian Democracy. In *Annual Review of Political Science*, 2010, Vol. 13, pp. 183-209. [online] [12. 10. 2016] Available at: <https://www.google.com/search?q=Kalyvas+van+Keersbergen&ie=utf-8&oe=utf-8#> ; POMBENI, P.: Ideology of Christian Democracy. In *Journal of Political Ideologies*, 2000, Vol. 5 No. 3, pp. 289-300. [online] [12. 10. 2016] Available at: <http://>

From the historical point of view the authors put the foundation of Christian Democratic political fractions in the period of the release of social encyclical *Rerum Novarum* (1891)¹, while the formal party organization was carried out on a similar basis to that of Socialist parties. The main differences we can observe between Catholic and Protestant societies. In the Catholic countries was social encyclical seen as a teaching oriented against the Liberalism and as the strengthening of the members' unity, Protestant denominations because of the absence of central ecclesiastical authority did not recognize this connection and Christian Democratic parties either did not arose to support the autonomous conservative ruler. According the Kalyvas the foundation of confessional parties was seen as a link in the social structure changes to the results of revolutions and cleavages in society, but was not organized by the Church. Political parties were created as if in spite of its activities. Their foundation was only an unintended consequence of the conflict actors². Mass-organization of Christian Democratic parties was manifested to the end of World War II with the linkage of the members and leaders in the social issues and ensuring their social needs³. Transfer of social paternalism over voters form mass-based parties to the state, in the form of „welfare state“, forced the Christian Democratic parties in Western Europe to re-define their priorities and to integrate many new elements into their policies.

Christian Democratic parties are one of eight basic party families according to von Beyme classification⁴. Based on theoretical approaches of political parties' typology research we can identify a pair of species of this type of political party. Petr Fiala⁵ contributed to the research of

www.tandfonline.com/doi/abs/10.1080/713682945

¹ FIALA, P.: Křesťanské politické strany v západní Evropě. In *Politologický časopis*, 1996, Vol. 3 No.1, pp. 30-37.; KALYVAS, S, van KERSBERGEN, K.: Christian Democracy. In *Annual Review of Political Science*, 2010, Vol. 13, pp. 183-209. [online] [12. 10. 2016] Available at: <https://www.google.com/search?q=Kalyvas+van+Keersbergen&ie=utf-8&oe=utf-8#>

² KALYVAS, S.: *The rise of Christian Democracy in Europe*. New York, Ithaca : Cornell University Press, 1996.

³ GRABOW, K. (ed.): *Christian Democracy: Principles and Policy-making*. Berlin : Konrad Adenauer Stiftung, 2011, [online] [12. 10. 2016] Available at: <http://www.kas.de/wf/en/33.21408/>

⁴ VON BEYME, K.: *Political Parties in Western Democracies*. New York : St. Martin's Press. 1985.

⁵ FIALA, P., STRMISKA, M.: Spříznění volbou? Křesťansko-demokratické a křesťansko-nacionální strany v postkomunistických pluralismech. In *Politologický časopis*, 2001,

ideological confessional (Christian) political parties to their division on Christian Democratic and Christian Nationalist. Both types of parties Fiala sees as a basis for the infiltration of Christianity into politics, while the basic characteristics of both types in the ideological and programmatic identity describes as identical. Such apportionment is in the stark contrast to the real policy of European supranational parties EPP and EDU, which indicates the Christian Nationalist parties as nationalist, not democratic, Eurosceptic, respectively anti-European political parties with radical and xenophobic rhetoric. Christian Democracy differs on the criteria of programmatic, historical circumstances, name or self-identification¹. In recent time for belonging to the Christian Democracy it is sufficient to be in strong central political party position in party system. Programmatic criterion can be seen as the inclusion of certain parts of Christianity, respectively Christian Democratic ideology in the party program. This is closely related with self-identification or self-declaration of the party. Although Christianity in the party name does not indicate that the party is automatically Christian Democratic, it will always be perceived as the appeal on religion-minded voters. Historical circumstances and integration of Christian groups into party is often considered as a sufficient criterion for Christian Democratic party, even if the party for a longer period shows no signs of Christian elements in the program or is no longer oriented on the Christian electorate. These parties show in recent days predominantly the characteristic of universal (catch-all) parties. Christian confessional parties with fundamental positions are mostly not included into Western Christian democracy party types, therefore they are not the members of centrist parliamentary groups in European parliament. Their position is on the right specter among the Nationalist parties, but the aspect of Christianity is also priority and irreplaceable in their programs. Ideology of these parties is supplemented by negative nationalism and xenophobia (as mentioned above) against LGBT communities and smaller denominations. This type of aggressive ideology is gradually expanding through the whole society².

Vol. 8 No. 3, 2001, pp. 279-286.

¹ MAIR, P., MUDDE, C.: The Party Family and its Study. In *Annual Review of Political Science*, 1998, Vol. 1, pp. 211-229.

² GUNTHER, R., DIAMOND, L.: Species of Political Parties: A New Typology. In *Party Politics*, Vol. 9 No. 2, pp. 167-199. [online] [12. 10. 2016] Available at: <http://ppq.sagepub.com/content/9/2/167.full.pdf+html>

1 CHRISTIAN DEMOCRACY AND THE TREATY ESTABLISHING CONSTITUTION FOR EUROPE

After the Nice Treaty took place The Laeken Summit in December 2001, where was discussed the further progress and direction of the European Union. In this summit was established Convention on the Future of Europe, where the deputies have the task to draw up the document, which will include various alternative arrangement on the future relationships in the EU¹. The Convention meet at regular intervals in the years 2002-2003 and the result of these meetings it was ultimately a single one output – the proposal of the new European constitution. The document should replace all the provisions of primary law. The Convention opinion to anchor the Christian Democratic values in the preamble of the Constitution was negative from the beginning of the meetings. Actual contradiction on this issue was within the EPP party (Christian Democracy), but also on the national axis France, Belgium, Scandinavia (secularization tendencies) – against Central Europe, Italy, Portugal and Ireland (Christian values tendencies). This feud culminated with the requirement of group of MEP in November 2002 on the introduction of the amendment of the Union of values to the Constitution, clearly with pro-Christian context². The reason for the negative opinions of the Convention members to such amendment could be a method of the future Turkey accession to the EU. The Convention despite Christian Democratic critical voices across Europe, the Vatican and other Christian interest groups clearly continued with secularization trend and normatively anchored European civic society in the Constitution.

Discussions on the Constitution was finally completed in June 2004 at the summit in Brussels. It was signed in Rome on October 29, 2004. The Treaty establishing a Constitution for Europe consisted of the preamble and 4 main parts (institutions, Charter of Fundamental Rights, policies and general provisions, with annexes and the Final Act. The adoption process should take place essentially until 2005, but for the purposes of our paper we will focus solely on the ratification process in the European

¹ FIALA, P., PITROVÁ, M.: *Evropská unie*. Brno : CDK, 2010, pp. 172-174.

² BĂRBULESCU, I. G., ANDREESCU, G.: References to God and the Christian Tradition in the Treaty establishing a Constitution for Europe: An Examination of the Background. In *Journal for the Study of Religions and Ideologies*, 2009, Vol. 24 No. 8, pp. 208-212. [online] [12. 10. 2016] Available at: jsri.ro/ojs/index.php/jsri/article/viewFile/298/297

Parliament itself. In the time of the debate in EP the Treaty was ratified in Hungarian and Lithuanian national parliaments.

The constitutional reference to Christian values should have been for members of Christian Democratic parties an absolute priority. The reasons why such articles were not included in the Constitution we will try to analyze in the next chapter. At this point we will focus on the debate at the European Parliament on this issue. The report 2004/2129 (INI) Parliament's opinion concerning the draft treaty establishing a Constitution for Europe was assigned to Inigo Méndez de Vigo (EPP-ED) and Richard Corbett (PES) on July 27, 2004. From September 2004, the negotiation began in the Parliamentary Committees, and on December 9, 2004 it was Committee report tabled for plenary and neither in the minority standpoint was not mentioned incorporation of Christian values issue. Criticism of the Constitution was based mainly on the weakening of democracy and the strengthening of the European supranational level. Politically, it is certainly understandable, because of the creation of great coalition, the Christian Democratic parties were not in a position of proponents of the minority opinion.

Parliamentary debate took place on January 11, 2005. Except the representative of European Commission and European Parliament chairman and deputy-chairmen had its speech 120 members of EP from all parliamentary groups. The most, thirty-nine, were from parliamentary group EPP-ED, European Socialists 33 times, Liberals and Greens 10 times. The remaining speeches belonged to the other parliamentary groups. From 39 MEP of joint Parliamentary group EPP-ED, just 3 members of European parliament were from Eurosceptic conservative party European Democrats (Timothy Kirkhope – Conservative Party, Miroslav Ouzký – Czech Civic Democratic Party - Občanská demokratická strana, James Nicholson – Ulster Unionist Party). If we are applying the theory on program criterion, self-identification, name and history, to the Christian Democratic parties belonged 36 members of European Parliament¹. There were minimum references to Christian values in the debate. Debate reporter Ínigo Méndez de Vigo (Partido Popular) in his introductory mentioned, that „Constitution is a project of common civilization based on our religious, cultural and humanist heritage“, which he de facto retold the first sentence from the preamble about inspiration from culture, religion and humanist heritage of Europe. Later said German MEP Elmar

¹ Debates to the report A6-0070/2004 1. part and 2. part.

Brok (Christlich Demokratische Union), that Charter of Fundamental Rights is the expression of Christian concept of humanity. Most clearly speech about the reasons for not anchoring an explicit Christian values to the Constitution has the leader of EPP Parliamentary Group Hans-Gert Pöttering (Christlich Demokratische Union), which said for the whole group of EPP, that „Constitution needs values... we rejoice that many of our values, which we see as Christian, have been included: human dignity, the dignity of older people, the worth of children, too... for without children, this continent has no future, that we have describes our values and banned cloning... today, though, I would not wish to deny that many of us would have welcomed a reference to God in the Constitution, because it affirms that our human capacities are not infinite. We would also have been glad to see reference made to our Judeo-Christian heritage, ... I believe that is important that we know where our own roots are, and that our cultural and religious development should be mentioned in the Constitution. Even though that is not in the Constitution, every Constitution is of course a compromise, and so we say „yes“ to this Constitution, because it reflects our values“. Judeo-Christian heritage mentioned briefly also German MEP Markus Ferber (Christlich-Soziale Union in Bayern) and Antonio Tajani (Forza Italia) added that „such a reference would have represented not a religious choice, but the identification of our undeniable historical roots “. José Javier Pomés Ruiz (Union del Pueblo Navarra) noted, that „Constitution is lacking certain things... we have been timid in terms of acknowledging our Christian roots, we have been timid in recognizing the obvious... perhaps we have been victim to a degree of intolerant secularism, but Christmas, Easter and the Strasburg Cathedral will still be there... “

The most opened criticism mentioned member of Hungarian Fidesz Party József Szájer: „... However, I find it a little unsettling that there are many people here in the European Parliament and also among the European public who were offended by the acknowledgement of the historical fact that Christianity contributed to building a joint Europe, to the creation of today's Europe. It was by no means an attempt to get rid of a secular Europe, but we found it necessary that in addition to mentioning the inheritance of humanism, enlightenment and other common European values, the preamble acknowledged the contribution of Christianity to this joint Europe and its role in making it possible for us to be here today.“ The same concern about the not embedding the Christian values

into preamble expressed Lithuanian MEP Laima Andrikiene (Tevynes Sajunga), Latvian Richards Pīks (Tautas Partija) and Italian Armando Dionisi (Unione dei Democratici Cristiani). The paradox remains, despite the fact the all above mentioned politicians expressed displeasure with the lack of a reference on Christianity in the preamble, all of them voted for the Constitution. The only MEP, who argued and not voted for the Constitution was Slovak MEP Anna Záborská (KDH). Her rhetoric was common to the MEP from Eurosceptic group Europe of Nations. „Our civilization has developed from Christian roots. If the Constitution fails to acknowledge this historical fact, unrest will be introduced into the life of society. A new ideology will rise up under a mask of tolerance “.

MEP's noted the fact, that politically most feasible opinion was taking a neutral stance, renunciation of Christianity as a fundamental element of Europe's cultural heritage and keep only references to humanist ideas. On quantified view of the very debate of all members we could form next table of key words used in the debate.

Table 1: *Quantification of the used key words in the debates to the report A6-0070/2004*

Word / Party	EPP - ED	PES	ALDE	UEN	independent
Christian	4	2	x	x	1
Christianity	2	1	x	1	1
Religion	3	6	x	x	x
Christian Heritage	8	x	1	x	x
Christian Values	2	1	1	x	x
God	2	1	x	1	2
Christian Democrat	2	x	x	x	x

Source: Debates to the report A6-0070/2004

Positions of EPP members of European Parliament were analyzed above, the explanation is necessary on the clarification of positions of other parliamentary groups. For the Liberals, the Christian values mentioned just Polish MEP Bronisław Geremek, moreover in the intentions of national Polish struggles for the Christian Europe. UEN members of European Parliament argued mainly in antiliberal context. An interesting

finding from the table are frequent references of the members from Social Democratic camp on researched issue. All statements were presented in the secularization spirit and the emphasis was put on the equality of all religions and the perception of good in any of them. Nobody questioned Christian traditions, but no one even advocated them as necessary for the future of the European Union.

Voting on the Report 2004/2129 (INI) took place on January 12, 2005. For the report voted 500 Members of European Parliament, against were 137 members and absent were 40 of them. Voting of deputies for Christian Democratic parties is a subject of Table 2 and Table 3 by country and EPP member party.

Table 2: *Voting of the EPP member parties MEP's on European Constitution*

Member state	Party	For	Against	Absent	Not voting
Austria	Österreichische Volkspartei	6	0	0	0
Belgium	Centre Democrat Humaniste	1	0	0	0
	Christen-Democratisch en Vlaams	4	0	0	0
Cyprus	Dimokratikos Synargemos	2	0	0	0
Czech Republic	Křesťanská a demokratická unie – ČSL	2	0	0	0
Denmark	Det Konservative Folkeparti	0	0	0	1
Estonia	Erakond Isamaaliit	1	0	0	0
Finland	Kansallinen Kokoomus	2	0	0	2
France	Union pour un Mouvement Populaire	14	0	0	3
Germany	Christlich Demokratische Union	39	0	0	1
	Christlich-Soziale Union in Bayern	8	0	0	1
Greece	Nea Demokratia	11	0	0	0
Hungary	Fidesz – Magyar Polgári Szövetség	12	0	0	0
	Magyar Demokrata Fórum	1	0	0	0
Ireland	Fine Gael	5	0	0	0
Italy	Forza Italia	13	0	0	3
	Unione dei Democratici Cristiani e DC	4	0	0	1
	Popolari-Unione Democratici per l'Europa	1	0	0	0
Latvia	Jaunais laiks	2	0	0	0
	Tautas Partija	1	0	0	0
Lithuania	Tevynės sąjunga	1	0	0	1
Luxembourg	Parti Chretien Social	3	0	0	0
Malta	Partit Nazzjonalista	2	0	0	0

Netherlands	Christen-Democratisch Appel ¹	7	0	0	0
Poland	Platforma Obywatelska	1	0	14	0
	Polskie Stronnictwo Ludowe	0	1	1	2
Portugal	Partido Social Democrata-PP	4	1	1	2
Slovakia	Slovenská demokratická a kresťanská únia	3	0	0	0
	Kresťanskodemokratické hnutie	0	0	3	0
	Strana maďarskej koalície	2	0	0	0
Slovenia	Nova Slovenija-Krščanska ljudska stranka	2	0	0	0
	Slovenska demokratska stranka	2	0	0	0
Spain	Partido Popular	23	0	0	0
Sweden	Kristdemokraterna	1	0	0	0
	Moderata Samlingspartiet	3	0	0	1
	Members: 222	183	2	19	18

Source: Proceeding of the sitting Corbett/Méndez de Vigo report A6-0070/2004; Fiala, Mareš, Sokol, 2007.

Table 3: *Voting of the other members of EPP Parliamentary group on European Constitution*

Member state	Party	For	Against	Absent	Not voting
Belgium	Christlich-Soziale Partei	1	0	0	0
Cyprus	Gia tin Evropi	1	0	0	0
Czech Republic	SNK Evropští demokraté	3	0	0	0
Italy	Partito Popolare Sudtirolese	1	0	0	0
	Partito Pensionati	1	0	0	0
Spain	Union del Pueblo Navarro	1	0	0	0
	Members: 8	8	0	0	0

Source: Proceeding of the sitting Corbett/Méndez de Vigo report A6-0070/2004; Fiala, Mareš, Sokol, 2007.

Against the proposed text voted just Polish MEP Zdzisław Podkański from Agrarian Polish People's Party (from which he left in 2006) and José Ribeiro e Castro, later President of Portuguese People's Party, with strong Eurosceptic views. As we can see from tables, Christian Democratic MEP's promoted compromise with the Party of European Socialists on

¹ Calvinist party Christen Unie-Staatkundig Gereformeerde Partij was never member party of EPP. Members of EP Blokland and Belder voted against the Treaty.

the European Constitution as superior to any mention of Christianity in it. The next chapter will try to identify their reasons and tries also to explain the absent voting of Slovakian KDH members and members of Civic Platform from Poland.

2 INTERPRETATION OF CHRISTIAN DEMOCRATIC PARTIES POSITION

So where to look for causes that the debate on anchoring the Christian values into the European constitution essentially does not take place, that almost all MEP's for European People's Party formed silent crowd or compromising voting machine? Increasingly frequent phenomenon is the confusion of Christian values with universal humanism. Or involves humanitarian solidarity in European jargon and newspeak values of Christianity?

From granted answers on our researched issue we can reach two possible options. The first one could be the perception of the contract as necessary element of normative legal system of European continent in the context of Christianity and his reference to God's Law, regardless on the actual institutionalization of Christianity in Treaty establishing a Constitution for Europe. Thus, the Christian perception of the contract as something necessary for the functioning of the community. The second possible interpretation is lack of advocacy of Christian attitudes in Christian Democratic parties, when most of them occupied a central or conservative positions in the national party systems. Cohesion position played in them pivotal role and Christianity was a minority movement phenomenon in the program of this type of parties.

Philosophical justification for the voting of deputies lies in the perception of the contract as a normative element of the rule of law in the society and is based on the intentions of the Catholic philosophy in Europe and its impact on the education system. Contract is the cornerstone of the community, since man is a social creature. The natural basis of society is the family, community and the state. Standards of justice are laws and one of them is positive human law. Power is vested by God to the governor for the common good and the subjects have to obey the governor¹. The contract, thus the transfer of Christ's teaching is determined by the perception that

¹ OSUSKÝ, S. Š.: Prvé slovenské dejiny filozofie. Liptovský Sv. Mikuláš : Tranoscius, 1938, pp. 136-139.

Christians cannot exist without the law. The contract in the community shapes our lives, so the individual ultimately always acts according to the normatively set by God or society. As if it is not conceivable in Christianity that the society can operate without a legislative normative institution.

Political justification for the voting of deputies is based on the reality of great coalition and on the diversion of Christian Democratic political parties from the perception of the Christianity as a primary element of this party family program. Based on the program position we can identify ideological division within Christian confessional parties. Because the fundamentalist positions are associated with the member parties of Union for Europe of Nations, the subjects below are based on completely different aspects of program priorities. These parties we could thus defined as:

- mainly catch-all: Christlich Demokratische Union, Christlich Soziale Union in Bayern, Union pour un Mouvement Populaire, Fine Gael, Det Konservative Folkeparti, Fidesz, Parti Chretien Social, Österreichische Volkspartei, SDKÚ, Slovenska Demokraska Stranka, Partido Popular, Moderata Samlingspartiet, Forza Italia, Platforma Obywatelska,
- predominantly denominational: KDU-ČSL, KDH, Kristdemokraterna, UDC, Christen-Demokratisch Appel,
- other: Party of Hungarian Coalition, Polish People's Party.

Despite the specific program simplification, we see that the majority of the most important Christian Democratic parties determining politics of supranational EPP belongs to catch-all parties in the national party systems. Denominational parties behaved in the same way as catch-all parties, if the cause was the agreement on the EPP level, or internal national reasons.

Before the conclusion, it is important briefly focus on the aspect of the vote of Civic Platform and Christian Democratic Movement (KDH), while those subjects were the only one, which voted absent and not for the Treaty on Constitution for Europe in the European Parliament. Clarification of the reasons for the different voting more or less consisted on Eurosceptic relation of KDH and to not anchoring the constitutional mention of Christianity was secondary (but important) accompanying factor. In the Euroscepticism theory, we can place KDH into the soft-Euroscepticism, so the priority themes of program are the opposition against the continuing transfer of competencies to the supranational level.

Reserved was the fractions within the party around Vladimír Palko, who objected mainly on cultural and social issues and the antifamily liberalism of the EU. The continuation of the secularization of society and threading to traditional values were perceived as the pressure of the consumer society and excessive liberalization of market and values¹. KDH profiled itself as the most important Eurosceptic party in the national party system, criticizing migration aspects, multiculturalism and atheism in the cultural issues. During the 2004 European elections campaign KDH attracted negative standpoint against the Treaty. From this positions KDH did not resigned and voting in EP was in accordance with the program.

Position of Civic Platform in Poland we can determine with problematic national party situation in Poland in 2004-2005, while in that period Civic Platform just looked for ideological space party specter. Despite the fact that majority of researchers² state that in Poland does not exist relevant Christian Democratic party and all the other Christian parties are belonging to the Christian-Nationalist political line (Law and Justice, Self-defense, League of Polish Families), with the European affiliation we can include the Civic Platform among Christian Democratic parties. In the program and self-identification, we can identify inclusion towards the liberalism and structural universalism. From the Eurosceptic point of view, it was not possible to place the party into the soft or hard Eurosceptic line³. Unstable national political situation in the super-electoral year 2005 (parliamentary elections, presidential elections) and the volatility of voters probably forced the deputies of Civic Platform abstain in the vote on the European constitution. Electoral struggle between the former member parties of Solidarity on the same voter corrected positions of political parties. In that time, more than 30% of voters declared themselves as the opponents of the membership in the European Union. The contradiction between Poland and Europe was also in the reluctance of anchoring Christianity into the

¹ LEŠKOVÁ, E.: Slovensko. In HAVLÍK, V., KANIOK, P. (eds.) *Euroskepticizmus a země střední a východní Evropy*. Brno : MPÚ, 2006, pp. 31-45.

² BALE, T., SZCZERBIAK, A.: Why is There No Christian Democracy in Poland – and Why Does This Matter? In *Party Politics*, 2008, Vol. 14 No. 4, pp. 479-500. [online] [12. 10. 2016] Available at: <http://ppq.sagepub.com/content/14/4/479>; GRZYMALA-BUSSE, A.: Why There is (Almost) no Christian-Democracy in Post-Communist Europe. In *Party Politics*, 2013, Vol. 19 No.2, pp. 319-342. [online] [12. 10. 2016] Available at: <http://ppq.sagepub.com/content/19/2/319.full.pdf+html>

³ PALOVSKÝ, T.: Polsko. In HAVLÍK, V., KANIOK, P. (eds.) *Euroskepticizmus a země střední a východní Evropy*. Brno : MPÚ, 2006, s. 45-60.

European Constitution, which was related to the Polish constitutional law. The preamble of Polish constitution says that Polish citizens are believing in God, which is the source of the truth, justice, good and beauty¹. During campaign before the super-electoral year 2005, would not be logical to vote for secularized European constitution.

CONCLUSION

The paper aimed to define and identify problematic aspects of European Christian Democracy in adoption process of the Treaty establishing a Constitution for Europe in European Parliament. The basic axis of the article remained the adoption process and we identified several specific aspects: discussion of Christian Democrats, key words towards the Christianity, religion and preamble and particular voting of different member parties of the EPP. For the core of the researched issue we have set the voting of Christian Democrats for the European Constitution despite the fact, that in debate were presented several times critical voices on the lack of Christian values and Christian heritage in the preamble of the Constitutional Treaty.

To justify the rather illogical stance of Christian Democrats towards the preamble and to define research issue was sufficient that Christian Democrats were de facto forced to the compromise by the behavior of great coalition on the European supranational level. Within the interpretative approach, we examined the basis of Christian Democracy decision and we came to two conclusions. Christian Democrats voted for the Treaty because of its normativity, which is from the philosophical aspect essential for every Christian. The second conclusion was partially antagonistic fact, if we take into account cohesion position of the party in the party system, we can controversially state that Christian Democracy is nothing more or nothing less than a Conservative party relieved from their main ideological postulate – Christianity.

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¹ Konstytucja Rzeczypospolitej Polskiej. 1997.

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FORCED LABOUR AND ITS PROHIBITION IN THE LEGAL ORDER

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Abstract

The author of this paper deals with the issue of forced labour. Forced labour is one of the key principles of labour law, which is based on freedom of contract required in the private law branches. In this paper, the author deals with the analysis of basic international documents banning the performance of forced labour, as well as providing a definition of forced labour. The author's contribution examines the reasons for the expansion of phenomenon of forced labour and considers the possibilities of repression and prevention of this unwanted daily phenomenon affecting a large number of persons seeking a job, or the chance of the assertion at labour market.

Key words

forced labour, labour law, criminal law, prohibition, basic human rights

INTRODUCTION

Forced labour is a phenomenon that is currently subject to a ban in all democratic countries observing the principle of rule of law. Nevertheless, the current modern times bring with them also cases in which an individual is forced against his will to perform work activities, without pay. This coercion is practised in various criminal organizations whose main concern is to gain the highest profits, even at the expense of violation of basic human rights and freedoms. In this paper I will focus on the issue of forced labour, its forms and its legislative regulation in the legal order.

1 FORCED LABOUR AND ITS FORMS

The labour law of each state is based on certain principles, which significantly affect the form of existing labour-law relations. These principles are the leading legal ideas which reflect the nature of labour law, its basic characteristics or specialties. Labour law in its essential part belongs to the so-called private-law branches, which are governed by the rule that the participants of legal relationship are not in the relations of superiority and inferiority, but in relations of equality. Moreover, in terms of mutual relations, the participants enjoy the freedom of contract. Therefore, each participant is entitled to decide on its own whether to enter the labour-law relation or to end the labour-law relation, or who will be his partner in the labour-law relation and what will be the content of the labour-law relation.¹

The free decision making is a key aspect of any private-law relation, not just labour-law relation. The denial of free will, forcing to do something is absolutely unacceptable element which has no place in private-law relations.

However, recent decades have brought a new negative (and of course illegal) wide-spreading phenomenon of taking away the freedom of contract. The increasing incidence of cases where people do not choose a job of their own accord is obvious. There are many cases when the duty to work is imposed on persons under the threat of physical or psychological violence or direct use of violence. Performance of such labour activities is carried out in violation of fundamental rules laid down by the labour-law legislation and under the conditions of brutal violation of human rights and fundamental freedoms. This phenomenon is taking still more and more menacing form especially in the current circumstances, when the economies of the countries are suffering the consequences of the economic crisis and a number of people without work continues to grow. The increase in unemployment is a suitable environment in which there is a development of a variety of illegal practices, the aim of which is to profit at the expense of misfortune or unfavourable life situation of others. Increasingly, there are various forms of trafficking, which involve many acts contrary to basic human rights and freedoms. These acts include such

64 | ¹ BARANCOVÁ, H., SCHRONK, R.: *Pracovné právo*. Bratislava: Sprint dva, 2009, p. 127.

acts as sexual exploitation,¹ illegal removal of organs, tissues or cells, slavery or already mentioned forced labour.

In this paper, I focus primarily on the issue of the so-called forced labour. It is the forced labour that is often an unwanted response to many months or years of effort of many job seekers to find a proper work. Although a number of forced labour cases is detected every day, it should be noted that many cases of forced labour remain secret, unidentified. These cases are characterized by several common features, such as the effort of the victim to get a job, fraud committed by the employment agencies or employers, lack of proper labour contract, non-payment of wages, mental or physical pressure, keeping in undignified living conditions in remote areas, long working hours (12 hours a day), restricting the freedom of movement and residence. It is therefore a forced labour which is defined in legal theory as involuntary activity that is imposed to a person under the threat. It does not have to be only the threat of force or injury, but it could be also any threat consisting for example in the denial of the rights or privileges and more. It is not a forced labour if it is carried out in accordance with the law.²

The traditional form of forced labour can best be demonstrated by the following real case. Recently there has been revealed a case of the young woman who after graduating from high school has not been accepted to college. Because she came from a very poor region of middle Slovakia, she decided to go abroad to work manually. She contacted an employment agency, which helped her to find a work in the Czech Republic. After the arrival in the Czech Republic the employer had begun to behave in a very strange way. Although the employer had sent her to work, employment contract had not been signed for various reasons. Working conditions were very unusual. Although Slovak employment agency had promised her a 8-hour working day and free weekends, the reality was that the girl had been working for 12 hours a day during the week, including weekends. The promise of accommodation in the city centre had not been fulfilled too. A young girl had been accommodated out of the city, with no transport link. She had been transported to work every day by an unknown driver, whose behaviour was very rude and abusive. In the lodging-house

¹ See KLIMEK, L.: Solicitation of Children for Sexual Purposes: The New Offence in the EU (under the Directive 2011/92/EU). In *International and Comparative Law Review*, 2012, Vol. 12, p. 135-144.

² ČENTĚŠ, J. a kol.: *Trestný zákon : Veľký komentár*. Bratislava : Eurokódex, 2013, p. 331.

she had been kept with several other girls sharing a similar fate. In the evenings there had been unidentified men in the lodging-house who had been drinking alcohol and laughing loudly. That was for girls a source of great fear. After time, the girl decided to escape. She contacted the Slovak labour agency, where she complained. Her complaint, however, did not succeed as well as the requirement to pay her wages for her work. Agency indicated that she had not signed a contract and therefore she does not have any evidence that she ever worked somewhere.¹

2 FORCED LABOUR AND ITS LEGAL REGULATION

As can be seen, the cases of forced labour represent extremely serious antisocial acts which damage not only the individuals, but also the state. The aim of all countries is therefore to limit the cases where the individual is forced to perform labour activities against his/her will. Consequently, the forced labour is banned in any democratic state governed by the rule of law and is severely punished too.

It should be noted that this issue has been solved for a long time by many international organizations (International Labour Organization), as well as regional organizations (Council of Europe). These organizations have published over the years several documents that are dealing with the issue of forced labour. In all of these documents forced labour is considered to be an undesirable phenomenon that has to be banned in the legal systems of each country.

The most important documents adopted in this field are two basic documents of the International Labour Organization. The first one is the Forced Labour Convention, 1930 (No. 29). The second one is the Abolition of Forced Labour Convention, 1957 (No. 105). These two documents are cardinal international documents regulating the issue of forced labour imposed to natural persons by other natural persons, but also by legal entities² posing as serious companies.

The Forced Labour Convention, 1930 (No. 29) in its article 2 provides the basic definition of the term forced or compulsory labour. According to the provisions of this article the term forced or compulsory labour shall mean *“all work or service which is exacted from any person under*

¹ See <http://www.charita.sk/stranky/nutena-praca-namiesto-vysokej-skoly>.

² MEDELSKÝ, J., MEDELSKÁ TKÁČOVÁ, Z.: Prává verus nepravá trestná zodpovednosť právnických osôb. In *Magister Officiorum*, 2012, Vol. 2, No. 1, s. 32-38.

the menace of any penalty and for which the said person has not offered himself voluntarily.”

The convention in the same article also contains the negative definition of forced or compulsory labour, i.e. the provision of the range of activities that are not considered to be forced or compulsory labour. In this respect, the Convention explicitly states that the term forced or compulsory labour shall not include the following types of activities:

- any work or service exacted in virtue of compulsory military service laws for work of a purely military character
- any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country
- any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations
- any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population
- minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services

The Abolition of Forced Labour Convention, 1957 (No. 105) defines in the article 1 five prohibited ways of the use of any form of forced or compulsory labour. First and foremost forced or compulsory labour cannot be used in concreto as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system. Moreover it is forbidden to use forced or compulsory labour as a method of mobilising and using labour for purposes of economic development. It is also illegal to use forced or compulsory labour as a

means of labour discipline and as a punishment for having participated in strikes. Finally, and that is very important, forced or compulsory labour cannot be used as a means of racial, social, national or religious discrimination.

Forced labour, of course, is being solved also by the documents of the Council of Europe (regional organization). The most important document in this field is the European Convention on Human Rights (1950). This document pursues the issue of forced labour in its Article 4. The provisions of this article say that “no one shall be required to perform forced or compulsory labour.” Just like the Forced Labour Convention, 1930 (No. 29), the Convention also contains a negative definition of forced or compulsory labour. According to the provisions of the European Convention on Human Rights forced or compulsory labour does not include these forms of activities:

- any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention
- any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service
- any service exacted in case of an emergency or calamity threatening the life or well-being of the community
- any work or service which forms part of normal civic obligations

The Slovak Republic put a ban on forced labour by the highest law - the Constitution. In addition, the ban on forced labour is also put by the provisions of Act 300/2005 Coll. of 20 May 2005 (Slovak Criminal Code) that allow to sanction such an infringement by means of criminal law. Forced labour is expressed specifically in a separate section of the Slovak Criminal Code, in § 179, which contains the body of the offense of trafficking. Under this provision, the crime of trafficking is committed by a person *“who, by using fraudulent practices, a trick, restriction of personal freedom, violence, threatened violence, threat of grievous bodily harm or other forms of coercion, by accepting or offering monetary payment or other benefits in order to get approval of a person on whom another person depends, or by misusing his powers, or abusing of defencelessness or other vulnerable position, entices, transports, harbours, hands over or takes over another person, even upon his consent, for the purposes of his*

prostitution or another form of sexual exploitation, including pornography, forced labour or domestic slavery, slavery or practices similar to slavery, bondage, taking of organs, tissues or cells or other forms of exploitation.”

As can be seen, forced labour is criminally punishable as a form of exploitation, which is the purpose of trafficking.¹ The aim of the offender is to achieve a huge unjustified financial profit without having to respect fundamental human rights and freedoms of the individual and the rules set out in the field of labour law.² Exploitation in the form of forced labour means to the victim a duty to perform a specific job against her/his will (in many cases, to perform a job for which she/he has no qualification) with no due reward provided. Slovak Criminal Code allows imposing a criminal sanction - imprisonment in the range of 4 to 10 years. It should be added that also the very attempt of this crime is punishable, as well as any form of criminal cooperation (organizer, instigator, order party, assistant).

Repressive means cannot eliminate the problem of forced labour completely. The impingement upon the actual offender is not sufficient. It is important to develop a broader use of resources and general and special prevention measures. It is important to improve the overall public awareness of the issue of forced labour, how easily each of us can become a victim of this crime. It is especially important to focus attention on the most vulnerable groups affected by forced labour. These groups are comprised of persons who have the status of illegal immigrants, then of persons who must face discrimination on the grounds of their ethnicity in their home country, and of course persons who by reason of unemployment are on the verge of poverty. Especially these categories of people are the easiest targets for criminals. It is therefore necessary not only to increase awareness of these people on the issue of forced labour, but also to improve the conditions of their assertion at the domestic labour market.

I also consider as a necessary step to tighten the legislation in the field of labour law, especially in the field of the employment agencies and recruitment agencies for seasonal workers. State must improve the control of the activities of labour agencies and agencies for recruitment of seasonal workers. It is also important that state supports job-matching services, through monitoring of private employment agencies, which are often

¹ See KLIMEK, L.: *Obchodovanie s ľuďmi: analýza novej právnej úpravy na úrovni EÚ*. In *Justičná revue*, 2013, Vol. 65, No. 2, p. 259-268.

² See also FUNTA, R.: *Globalization, Human Rights and Migration in EU*. Bratislava: Friedrich Ebert Stiftung e. V., 2009, p. 56-66.

disguised as bridal or tourist agencies and can lead to abusive recruitment practice and, as a consequence, to trafficking and forced labour.

CONCLUSION

Forced labour represent extremely serious antisocial acts which damage not only the individuals, but also the state. This issue has been solved for a long time by many international organizations (International Labour Organization), as well as regional organizations (Council of Europe). Besides that, forced labour is the subject of prohibition on a national level, in all branches of law (especially constitutional law, labour law, criminal law). However, repressive means cannot eliminate the problem of forced labour completely. It is important to develop a broader use of resources and general and special prevention measures. It is important to improve the overall public awareness of the issue of forced labour, how easily each of us can become a victim of this crime.

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SELECTED ISSUES OF INTRODUCTION OF SEVERAL MULTI-MEMBER CONSTITUENCIES IN ELECTIONS TO THE NATIONAL COUNCIL OF THE SLOVAK REPUBLIC¹

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Abstract

The aim of the paper is to characterize possible problematic areas related to the introduction of several multi – member constituencies in elections to the National Council of the Slovak Republic. With regard to the stated aim, the paper is focused on the matter of the number of constituencies and their geographical borders, more specifically, possible variant of eight constituencies copying the borders of self-governing regions, principle of redistribution of the seats among districts, level of electoral threshold, and it shortly discusses the issue of the second scrutiny in case of electoral quota. We offer possible adjustments in certain aspects subsequent to the experience from the 90's to all mentioned areas. When modelling individual situations, we proceed from database of elections results provided by the Statistical office of the Slovak Republic regarding elections to the National Council of the Slovak Republic in 2016.

Key words

proportional representation, party list system, electoral system, Slovak Republic

INTRODUCTION

Proportional representation represents construct determining wide range of electoral procedures built on the principle of proportionality when assigning seats with respect to gained votes. In order to talk about proportional representation, there exists an important condition regarding

¹ This paper was created within the project: FPPV-45-2017 *Vol'by a volebné právo: stav, kontexty a perspektívy*.

the existence of at least double-member constituencies. Presented paper pays attention to the concrete form of the system that is used in the Slovak Republic when talking about the elections to the National Council of the Slovak Republic and elections to the European Parliament. Its focus is based on repeated considerations of need/no need to use more extensive reform comprising also of introduction of multiple electoral districts. This step would, however, lead to the necessity to answer several essential questions. For example: What is the optimal number for Slovakia (this is also connected to determination of geographic borders of electoral districts), whose population represents five and a half million and its number of eligible voters is just below four and a half million people?¹ What is the appropriate principle for assigning seats to constituencies? How to proceed with determination of electoral threshold? Or, how to proceed in case of the second scrutiny (under assumption of keeping the currently used method of electoral quota in combination with the largest remainder method)?

The aim of the paper, with respect to the presented questions, is to characterize selected issues, which are, according to our opinion, necessary to consider when thinking about introducing several multi – member constituencies. We are also working with possibility of introduction of eight constituencies copying the borders of self-governing regions. In order to depict selected actuality, we rely on the election results to the National Council of the Slovak Republic from 2016, which are available in the database of the Statistical Office of the Slovak Republic.

PARTY LISTS SYSTEM AND ITS SETTINGS UNDER THE CONDITIONS OF THE SLOVAK REPUBLIC

Party Lists System represents one of the categories of proportional representation. It creates conditions for representation of wide range of opinions, which means that it does not end up only with one winner, and, it many times limits possibilities of a voter to directly influence personnel composition of the legislative body, since party lists² are those primarily

¹ There were 4 426 760 people eligible to vote in the elections to the National Council of the Slovak Republic in 2016

² The issue of strengthening the position of the political parties in the political system in the context of introduction of proportional representation is the subject of criticism from scientists. For example, K. R. Popper emphasized the interconnectedness of political parties' candidates, their loyalty, problem with accountability and reflection of the will

voted for, and specific methods are used for the allocation of seats. Its use is also linked to the existence of bigger multi-member constituencies (when related to the number of redistributed seats) in comparison with, for instance, majoritarian formulas and also semi – proportional system.¹

The main characteristics of this system is its ability to redistribute the seats based on the proportionality principle. D. L. Horowitz states that: *“Increasingly, scholars and decision makers are inclined to judge electoral systems by their ability or inability to produce proportional results. A political party that gains 20 percent of the total vote, it is argued, should win 20 percent of the total seats, rather than a few or no seats...”*² Key variable, which influences the extent of representation of individual opinions in society (and so proportionality), is district magnitude and their number.

Decision to introduce one multi-member constituency brings along probably the most proportional results (when comparing with higher number of constituencies) but, at the same time, it brings excessive centralization of political parties, and thus, the state itself. Stated actuality can be then reflected also in elections at the regional and municipal levels, since parties are not forced that much to go to the regions and educate there its political personnel who would be capable of addressing the voters. To be elected it is enough to have one leader approaching people in the same way both in Bratislava and Michalovce. On the contrary, when having multiple constituencies, there can occur the problem with proportionality of the results themselves. This happens mainly when the legislator goes “too deep” and creates too many small electoral districts.

Equally important indicator, which according to our opinion with the combination of the number of electoral districts significantly differentiates possible results, is the amount of electoral threshold together with the of majority or problem with establishing the government and with its functioning. See: POPPER, K. R.: *Život je řešení problémů*. Praha: Mladá fronta, 1998.

Besides, proportional representation brings greater number of relevant parties compared to the majoritarian formulas. This fact is considered to be a major drawback by many authors, for example, G. Sartori states that this problem can be eliminated by "impure proportionality", which, however, in our opinion, deforms the characteristics of this system. See: SARTORI, G.: *Srovnávací ústavní inženýrství*. Praha: SLON, 2011.

¹ More about the electoral system: HORVÁTH, P.: *Volby a volebné systémy*. In: *Slovak Journal of Political Science*. 4/2004.

² HOROWITZ, D. L.: *A primer for decision makers*. In: DIAMOND, L.; PLATTNER, M. F.: *Electoral Systems and Democracy*. Blatimore: The Johns Hopkins University Press, 2006, s. 5.

determination of the level at which it will be applied. In case that one of the method of the electoral quota is used, we can also add the level at which other scrutinies will take place.¹

Party Lists System, for elections of the highest legislature in the state, was introduced in Slovakia in *Act no. 80/1990 Coll. on the elections to the Slovak National Council*. When making decisions about its introduction, legislator could appeal to the historical tradition of the first Czechoslovak Republic where it was applied. The form of the electoral system for the both chambers (Chamber of Deputies and Senate) of the National Assembly of the newly created state of Czechs and Slovaks was laid down directly in the Constitutional Charter adopted in 1920. It was defined in §8, respectively §13, that their members were elected on the basis of “*general, equal, direct, secret right to vote according to the principle of proportional representation*”.² It is historical experience of the first Czechoslovak Republic that became a model for the “after November” period when shaping transforming political system.³ In relation to introduction of proportional representation in elections to the highest legislature, M. Gbúrová states that: “*In the transition from the authoritarian regime to the democratic pluralistic system was (party list system) the most appropriate, it enabled creation of basic elements of multipartism in the party system*”⁴. Since 1989 fundamental socio-political changes have opened the way for replacement of the former majoritarian formulas. Proportional representation was introduced based on the mentioned Act no. 80/1990 Coll.⁵ These elections have been regulated

¹ Other variables, which are not discussed in more detail in the paper, are used electoral formulas and the form of party lists. See more: CHYTÍLEK, R. (a kol.): *Volební systémy*. Praha: Portál, 2009.

² *Zákon č. 121/1920 Sb. ktorým sa uvozuje Ústavní listina Československé republiky*. §8, 13. [online], [cit. 24/7/2015]. Dostupné na internete: <http://www.psp.cz/docs/texts/constitution_1920.html>.

³ More about the political system in the Slovak Republic: HORVÁTH, P. et al.: *Kapitoly z politického systému Slovenskej republiky pre študentov FSV UCM v Trnave*. Trnava: FSV UCM, 2004.

⁴ GBÚROVÁ, M.: *Pomerný či väčšinový?* [online], [cit. 2017-6-22]. Dostupný na internete: <http://www.noveslovo.sk/c/10514/Pomerny_ci_vacsinovy>.

⁵ Question of setting the electoral system for local self-governments was also discussed during this period of time. Gradual development completed by the division of the common state opened possibilities for the existence of differences in the creation of the general organs within the Czech Republic and Slovak Republic. Elections to the bodies of municipalities together with elections to the National Council became the only direct elections in Slovakia after 1993. More about municipal elections: BRIX, R.;

by three amended laws several times since then. *The Act no. 80/1990 Coll. on the elections to the Slovak National Council* was followed by the *Act no. 333/2004 Coll. on the elections to the National Council of the Slovak Republic*, which was subsequently replaced by the current *Act no. 180/2014 Coll. on conditions for the exercising right to vote*. Electoral rules were unified into one piece of legislation by introduction of this act, as it specifies also the rules for other elections (elections to the European Parliament, elections of the President of the Slovak Republic, regional elections, municipal elections and referendum).

Original version of proportional representation counted on introduction of four electoral districts, more specifically, Western Slovakia, Central Slovakia, Eastern Slovakia and the City of Bratislava. Stated division was, however, valid only for the first scrutiny. The second one was working with the national lists created by political parties comprising of non – elected candidates stated on the constituency lists.

The electoral threshold was established despite the existence of electoral districts at the national level. Its original level of 3%¹ was replaced by *Amendment No. 104/1992 Coll.* by condition of 5%, respectively 7% or 10% depending on whether it was a separate political party or a coalition composed of several political parties.²

Division of the state into 4 electoral districts brought along the question of how to divide 150 seats among them. The principle, working with the number of valid votes within individual districts, was put in place based on § 40 of *Act No. 80/1990 Coll.*³ This means that electoral turnout affected the number of seats allocated to a specific region.⁴

ŠVIKRUHA, M.: *Volby zástupcov miestnej a regionálnej samosprávy v Čechách a na Slovensku*. In: *Dny práva 2012 - Days of Law 2012*. Brno: Masarykova univerzita, 2013.

¹ More in original act no. 80/1990 Coll: *zákon č. 80/1990 o voľbách do Slovenskej národnej rady*. [online], [cit. 14/7/2017]. Dostupné na internete: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1990/80/19900316.html>>.

² *Zákon č. 104/1992 Zb., ktorým sa mení a dopĺňa zákon Slovenskej národnej rady č. 80/1990 Zb. o voľbách do Slovenskej národnej rady*. [online], [cit. 14/7/2017]. Dostupné na internete: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/104/19920312.html>>.

³ *Zákon č. 80/1990 o voľbách do Slovenskej národnej rady*. [online], [cit. 14/7/2017]. Dostupné na internete: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1990/80/19900316.html>>.

⁴ Principle of assigning the seats to individual electoral districts based on the electoral turnout is used also in case of, for example, Chamber of Deputies in the Czech Republic. See: § 48 in: *Zákon č. 247/1995 Sb. o volbách do Parlamentu České republiky a o změně*

PARTY LISTS SYSTEM AND SELECTED QUESTIONS WHEN INTRODUCING MULTIPLE CONSTITUENCIES

The first dilemma that needs to be solved in connection with the introduction of multiple constituencies is the determination of their concrete number and boundaries of newly created ones.

After determination of the number of constituencies and their geographical boundaries, in our case we are working with eight constituencies copying the boundaries of self-governing regions, it is, in our opinion, appropriate to firstly start by deciding on the principle based on which the seats will be allocated. We assume that we can work with other two options in addition to the historical experience from the 1990s connected to the application of the principle of electoral turnout (specifically, to the number of valid votes). The first one takes into consideration the number of eligible voters (the principle built on eligible voters). The second one works with the number of inhabitants (population-based principle) in each region, for example, according to the latest census.

In case that we decide in favour of fixed (known before election) determination of proportions of seats among regions (and thus, the second and the third principle), unclarity related to the second scrutiny and the level at which it should be realized disappears. The second scrutiny should take place at the level of each electoral constituency, otherwise, deformation of representation of individual parts of the state occurs. Hence, according to our opinion, this problem stays relevant in the situation in which the first principle (principle based on electoral turnout) is chosen.

Table 1: *Possible redistribution of the seats to electoral constituencies*

Seats / Electoral districts	Seats based on the number of inhabitants	Seats based on the number of eligible voters	Difference in seats (number of inhabitants and eligible voters)	Seats based on the electoral turnout	Difference in seats (number of inhabitants and electoral turnout)
Bratislava Region	18	19	1	21	3 (+2)
Trnava Region	15	16	1	16	1 (0)
Trenčín Region	16	17	1	17	1 (0)
Nitra Region	19	19	0	19	0
Banská Bystrica Region	19	19	0	21	2 (2)
Žilina Region	18	18	0	17	-1 (-1)
Prešov Region	23	21	-2	20	-3 (-1)
Košice Region	22	21	-1	19	-3 (-2)
Total	150	150		150	

Source: Elaborated by the author based on the data provided by the Statistical Office of the Slovak Republic.

Table 1 depicts the way how redistribution of the seats among electoral constituencies could look like in the 2016 elections. Adhering to one of the options will have an effect on the proportion of representation of the individual parts of the state in the representative body. In case that the legislator supported implementation of principle based on electoral turnout, Bratislava region and Žilina region would be in a more advantageous position. On the contrary, Prešov and Košice region would become “weakened” from this type of redistribution. We assume that this principle is not the most suitable adjustment. First of all, it creates conditions in a way that neither candidates nor voters know how many seats will be allocated to electoral districts before the elections. Besides, it penalizes constituencies with lower electoral turnout. However, burden of representation is not only on voters but also on candidates – political parties. The “negative power” of implementation of such principle could be multiplied in the electoral districts where political parties were not able to provide candidates on their constituency (party) list, who would attract voters to go to the polls or to address them through the discussed topics. This

may undermine the “accountability” for the election results with regard to the reallocated seats in the regions, and thus, disrupts citizen-politician relationship. Regarding this, R. Bzdilová notes that: “The disruption of the natural division of citizen-politician relationship inevitably leads to the erosion of the principles and values of the just democratic system. It results in negative phenomena that manifest themselves in political practice and they influence decision-making process, implementation of policies, but also citizens’ perception and their willingness to participate in politics.”¹

In connection with the principle based on the electoral turnout, it is important to mention that it brings the least discrepancies related to the number of valid votes for the seats in the mutual comparison of electoral districts. At the same time, however, it can cause a district with fewer inhabitants to get more seats than region with higher population. Since we assume that when determining the number of seats for electoral districts “the size” of the constituency should be taken into consideration, so it does not happen that some of the regions will be underestimated because of the lack of the interest of its citizens in elections, we are inclined to the alternative based on the principle of eligible voters. This principle enables redistribution of the seats to the districts already before the elections, and thus, it considers all who can actually come to vote and cast their vote, and, last but not least, it eliminates the factors that could influence electoral behaviour and electoral participation itself.

Determination of the level at which the electoral threshold will be applied is equally important aspect, which needs to be solved in case of the existence of multiple multi-member constituencies. As already stated in the previous part, the condition for political parties to exceed the given limit for national level was introduced after 1990. It means that subjects in individual districts that obtained higher number of votes were not considered within these constituencies unless they exceeded required limit in total.

¹ BZDILOVÁ, R.: *Stav sekundárneho analfabetizmu v etnicite Slovenskej republiky*. In: GLOSÍKOVÁ, M. – GERMUŠKA, E.: *Výsledky výskumu: Zborník príspevkov z medzinárodnej konferencie doktorandov*. Prešov: Filozofická fakulta PU v Prešove, Inštitút politológie. Prešov, 2010, p.26.

Table 2: *Exceeding electoral threshold in elections to the National Council of the Slovak Republic in 2016*

	MOST - HÍD		KDH		IÚS - Naše Slovensko		#SIEŤ		SMK-MKP	
	Number of valid votes	Proportion of valid votes in %	Number of valid votes	Proportion of valid votes in %	Number of valid votes	Proportion of valid votes in %	Number of valid votes	Proportion of valid votes in %	Number of valid votes	Proportion of valid votes in %
Bratislava Region	30 637	8,27	14 569	3,93	17 454	4,71	24 121	6,51	3 716	1,00
Trnava Region	31 763	11,62	10 690	3,91	18 784	6,87	12 604	4,61	31 440	11,50
Trenčín Region	5 960	1,96	12 910	4,25	26 488	8,73	17 074	5,63	70	0,02
Nitra Region	40 573	12,42	10 759	3,29	22 203	6,80	13 292	4,07	40 118	12,28
Banská Bystrica Region	6 367	1,77	21 772	6,05	35 124	9,76	22 985	6,39	83	0,02
Žilina Region	19 716	6,67	8 942	3,02	30 902	10,45	14 159	4,79	14 341	4,85
Prešov Region	9 134	2,58	31 885	9,03	33 307	9,44	20 452	5,79	129	0,03
Košice Region	25 275	7,75	17 328	5,31	25 462	7,81	21 352	6,55	15 580	4,78

Source: The table was elaborated based on the data provided by the Statistical Office of the Slovak Republic

Table 2 depicts political parties, which exceeded, or, did not exceeded 5% level in electoral districts. We do not state SMER-SD, SaS, OĽaNO, SME RODINA – Boris Kolár, SNS, since they would in case of electoral threshold at the district level fulfil the conditions for classification in the first scrutiny in each electoral district.

Regarding individual political parties, when applying the electoral threshold at national level, the composition of the legislative body would not differ from the situation with one constituency, despite the fact that, for example, MOST-HÍD did not even receive 2% of the votes in two districts (the Trenčín Region and the Žilina Region) and in the third one, the Prešov Region, the party received only 2.58% of the votes. ĽS-NS would have a problem to exceed the limit of 5% in the Bratislava Region, while #SIEŤ would have this problem in three districts – the Trnava Region, the Nitra Region and the Banská Bystrica Region. On the contrary, in case that electoral threshold would be applied at the district level other two political parties would get into National Council of the Slovak Republic as is illustrated in provided table. KDH would be entitled to be included in the calculation of votes for the seats in the Žilina Region and in the Prešov and Košice Regions. Also, SMK-MKP received more than 10% of the votes in the Trnava and Nitra Regions.

Decision-making about setting the level of application of electoral threshold opens another question, whether to prevent the increase in shattering of the political spectrum (however, the need to go beyond a certain limit at the level of one of the regions still holds), or to create conditions for strong political parties from the regions that are capable of representing specific parts of Slovakia in the legislative body.

Table 3: *Redistribution of the seats among political parties by the closing clause at the national level*

Political party / Electoral district	SMER- SD	SaS	OLaNO	SNS	ĽS-NS	SR-BK	MOST- HÍD	#SIEĽ
Bratislava Region	4	5	3	1	1	2	2	1
Trnava Region	5	2	3	1	1	1	2	1
Trenčín Region	7	2	2	2	2	1	0	1
Nitra Region	6	2	2	2	2	1	3	1
Banská Bystrica Region	7	2	3	3	2	1	0	1
Žilina Region	6	2	2	2	2	1	2	1
Prešov Region	8	2	3	2	2	2	1	1
Košice Region	7	2	3	2	2	2	2	1
Total	50	19	21	15	14	11	12	8

Source: Based on the data provided by the Statistical Office of the Slovak Republic after deduction of votes from abroad, which could not be assigned to any of the regions

Table 3 depicts possible outcomes under the assumption of geographical division of the state into eight constituencies, when applying national electoral threshold, and under the assumption that the second scrutiny would be performed in the same way as the first scrutiny at the district level. Hence, this would mean that there would be no countrywide party list created neither in the second scrutiny. We proceeded equally in case of the table 4, only that we applied the electoral threshold at the level of each district. As it can be seen, SMK-MKP would be entitled to 5 more seats in this case and KDH to 4 more seats. Contrarily, ĽS – NS, MOST-HÍD and #SIEĽ would lose some seats. This change would affect also other political parties. In case of the electoral threshold at the level of the district, only SMER – SD and SaS (except KDH and SMK – MKP) would receive more (SMER – SD one more vote and SaS one more vote). The rest of the parties would lose the seats and in case of #SIEĽ it would be loss of three seats.

Table 4: Allocation of the seats among political parties by the electoral threshold at the level of constituencies

Political party / Electoral district	SMER-SD	SaS	OLaNO	SNS	ES NS	SR-BK	MOST-HÍD	#SIEĽ	SMK-MKP	KDH
Bratislava Region	4	6	3	1	-	2	2	1	-	-
Trnava Region	5	2	2	1	1	1	2	-	2	-
Trenčín Region	7	2	2	2	2	1	-	1	-	-
Nitra Region	6	2	2	1	1	1	3	-	3	-
Banská Bystrica Region	7	2	2	3	2	1	-	1	-	1
Žilina Region	7	2	2	2	2	1	2	-	-	-
Prešov Region	8	2	3	2	2	1	-	1	-	2
Košice Region	7	2	3	1	2	2	2	1	-	1
Total	51	20	19	13	12	10	11	5	5	4

Source: Based on the data provided by the Statistical Office of the Slovak Republic after deduction of votes from abroad, which could not be assigned to any of the districts.

CONCLUSION

Party List System represent wide range of varieties that bring different results with respect to redistribution of the seats in the legislative body, but also with regard to the composition of the staff. The paper identifies number of key areas that are necessary to be followed in case of the decision about the adjustment of the current electoral system connected with the introduction of more electoral districts. In the first place, the question about the number of electoral districts, their size and geographical boundaries

should be asked. This is directly linked to decision about the way how the seats should be allocated among electoral districts. In this context, we are talking about three basic principles - the principle based on the electoral turnout, the principle based on the number of inhabitants of the region or the principle of the number of eligible voters. Moreover, in our opinion, it is also important to take into account the question related to the amount of the electoral threshold and the determination of the level at which it will be applied. Both settings can significantly affect the number of political parties in the legislative body and, at the same time, determine the extent of “unrepresented” votes. There comes another question about the realization of the second scrutiny, depending on the principle we decide to apply for the allocation of the seats to districts (assuming the electoral quota method is used). Consequently, we add that inclination to any of the presented variants will significantly affect who and to what extent will be represented in the stated body.

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MARKETING MANAGEMENT INTEGRATION WITHIN THE PRAXIS OF REGIONAL CULTURAL POLICY

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Abstract

Marketing management theory implementation within the process of cultural policy integration is of enormous importance. The theory of regional development starts the base for the cultural progress which obviously lies within the realization of individual strategies planned due to specific regional needs – these should be involved within regional development strategies. The culture sector is inherently an important part of both the economic and social development of the regions despite the fact that culture should remain independent for the influence of the market. The aim of the study is to declare and analyse the importance put in the management integration within cultural strategies in various Slovak regions.

Key words

culture, cultural policy, marketing management, region, regional government.

INTRODUCTION

Culture is one of the most frequently used terms. In general, anything created by human activity at any time, place and in any form could be regarded as culture. At the same time, people themselves are prerequisites to culture. On one hand, they are the creators of culture, but in the opposite context, without culture, people could not have evolved into the current, modern state. This could also be applied to the society at large. The attitude of individuals to culture is definitely limited by the extend of information available to them. Some people describe the term as a phenomenon that incorporates the aspects of sustainable and land development, the quality of life, cultural identity, historical and social continuity, in which the cultural values are being transfered from generation to generation. Another part

of the society argues that the evidence of the culture being employed is to be found in every area of social life, such as service, science, research and education. The phenomenon of culture also includes creativity, entertainment, libraries, museum, galleries, archives and cultural and historic buildings. Culture should therefore be seen as a whole, fulfilling both social functions and acting in the public interest.

The etymology of the word culture dates back thousands of years and can be found in the oldest literature available. In the antiquity, culture represented refinement, cultivation and growth. In the European tradition, the word culture used to have a tangible character as evidenced in the phrase “agri cultura”; i.e. the work of the hands, and was understood primarily as soil refinement. The first official definition of culture was provided by social anthropologist Tylor, who stated that “*culture is a complex entity comprising of all the knowledge, customs and other skills acquired by an individual as a member of society.*”¹ Later, P. Emmanuel characterized culture figuratively as an effort to refine the human spirit. The concept of culture has evolved to become quite a broad term. Traditionally, it is concerned not only with sociology, cultural anthropology and social psychology, but also with economy and various theories of regional development. Soukup, an acclaimed Czech culture specialist and anthropologist, proposes a two-level concept of culture. The first level defines the basis of culture as “*the universal human phenomenon, more specifically human activity not common to other forms of life. Culture viewed from the universal perspective is the most significant trait distinguishing Homo sapiens sapiens from other animal species. This universal human culture is manifested in the immense amount of local cultures.*”² The second level identifies culture as a “*specific way of life led by various groups of people.*”³ Culture is therefore understood as an identifying trait of people, social groups, nations, regions and location; with dialogue of all the participating cultures being its typical feature.

Similar views can be encountered in the work of sociologist Szczepanski. According to him, culture is “*a summary of all the products resulting from human activity, both material and immaterial; a summary of values and accepted forms of conduct, made objective and adopted in*

¹ PATOČKOVÁ, V., ČERMÁK, D., VOJTÍŠKOVÁ, K.: *Kultura v krajích České republiky*. Praha : Sociologický ústav Akademie věd České republiky, 2012, p. 17.

² SOUKUP, V.: *Prehľad antropologických teórií kultúry*. Praha : Portál, 2000, pp. 9 – 19.

³ SOUKUP, V.: *Prehľad antropologických teórií kultúry*. Praha : Portál, 2000, pp. 9 – 19.

a given community and imparted to other communities and generations.”¹ From the economic point of view, culture can be defined as one of the sectors of the national economy that belongs to the non-profit public sector, and is therefore largely dependent on state funding. Tökölyova offers a favorable economic view of the culture cooperating with regional development, stating that *“culture is also perceived as an element of stability and development, while acting as an economic factor and a tool of social integration.”²* Overall, it could be concluded that culture is a very broad term and no definition of it will ever be entirely complete. At the same time, culture is also very flexible, i.e. it is capable of adapting to internal and external changes in respect to human activity, which is reflected in new theoretical approaches.

CULTURAL POLICY AND MARKETING MANAGEMENT

Creation, preservation and impartation of culture from generation to generation and the process of creating new cultural values is called *cultural policy*. *“This term refers to a certain intention or a general idea of the role government should take and priorities it should determine in the areas concerning culture.”³* From the institutional point of view, cultural policy could also be understood as a system of government, administrative and territorial intentions and measures taken in the cultural sector. It also comprises a set of partial policies with individual objectives of the state cultural policy, which do not form a separate document, but are implemented in the summary of public policies and various cultural sectors, such as audiovisual art and industry, library fund and cultural heritage. *“Today, we are more inclined to national or regional awareness and prefer the interests of the state to those of transnational communities.”⁴* While

¹ SZCZEPAŃSKI, J.: *Základní sociologické pojmy*. Praha : Nakladatelství politické literatury, 1966, p. 35.

² TÖKÖLYOVÁ, T.: Quo vadis, európska kultúra? In *Politické vedy*, 2011, Vol. 14, No. 3, pp. 78 – 86. [online]. [2016-10-21]. Available at: < <http://www.politickevedy.fpvmmv.umb.sk/archiv-vydani/2011/3-2011/> >.

³ ŠKARABELOVÁ, S. et al.: *Ekonomika kultury a masmédií*. Brno : Masarykova univerzita, 2007, p. 17.

⁴ MELUŠ, M.: Kooperácia štátov v strednej Európe v minulosti a dnes. In: *Politologický zborník VI. „Medzi jednotlivosťou a pospolitosťou – Kam kráčaš demokracia“*. Z medzinárodnej vedeckej konferencie „Košické politologické dialógy V.“, Košice : Filozofická fakulta, Univerzita P.J. Šafárika, Košice, 2016, pp. 363 – 376.

the cultural policy is based on the concept of socio-cultural responsibility of democratic governments and can be considered flexible, the state has a major say and influence on its further development. *"It is evident that the diversity of the Slovak political spectrum results into different approaches of various political parties to key areas and partial policies."*¹ These are reflected in several typologies of cultural policy. The oldest concept was created in the 1980s by economists Milton Cummings and Richard Katz. They differentiate three degrees of cultural support offered by the state based on:

1. *"the tradition of absolute monarchy, which amply supports and strongly protects culture and art typical for countries such as France and Austria,*
2. *plutocratic and trade tradition of the countries such as the United Kingdom and Netherlands, where the government invests fewer resources and behaves less paternalistically in relation to culture,*
3. *fundamental denial of government support for the arts typical for the US and Canada."*²

Another view at how the state approaches cultural policy is offered by the economy again. Harry Hillmand-Chartrand and Claire McCaughey created a four-dimensional model with state as the reliever, state the patron, state the architect and state the designer. This widely used principle of the state's role in cultural policy operates on the basis of four criteria, namely: *"the mechanisms for providing support to culture and arts, the objectives of the support policy, the criteria for deciding on the promotion and economic status of artists and cultural institutions."*³ The first three dimensions are typical of the traditional leaders of countries such as the US, the UK and France. The last dimension is represented by countries known as the former Eastern block, which also includes Slovakia. Here the state acts as the owner of all the resources necessary for cultural production. Decisions on the allocation of funds from the state budget depend mainly on the political

¹ DUJIČOVÁ, M.: Oblast' školstva ako súčasť predvolebných programov politických strán kandidujúcich v parlamentných voľbách v roku 2016. In *Slovak Journal of Public Policy and Public Administration: slovenská revue pre verejnú politiku a verejnú správu*. 2016, Vol. 3, No. 1, p. 28.

² TAJTÁKOVÁ, M. et al.: *Marketing kultúry. Výbrané problémy*. Bratislava : Ekonóm, 2006, p. 27.

³ TAJTÁKOVÁ, M. et al.: *Marketing kultúry. Výbrané problémy*. Bratislava : Ekonóm, 2006, p. 28.

climate, government objectives and its program, the economic situation, as well as the projects of the European cultural policy. Thus, the state clearly functions as the provider of grants, but at the same time “*it also acts as a legislator, client, partner, mediator and controller.*”¹ In addition to these six instruments, the state also employs a seventh variable, specifically coordination and management mechanisms, which could also be called management-marketing practices. These are concerned with the application of concepts, strategies and marketing principles on the management practices of cultural organizations established by the state and local governments.

The origins of the marketing management of cultural policy are associated mainly with the period after the Second World War, when the countries affected by the war started to promote culture in order to provide a distraction from the negative effects of the war. However, the first studies on marketing management appeared only a few decades ago, specifically at the end of the 1960s in the Philip Kotler’s and Sidney Levy’s article in the context of non-profit sector. In the 70s the topic of marketing culture was expanded and popularized in book publications as well. The best-known authors from this period are Diggle, Melillo and Reiss. Further references to marketing-management or client-oriented culture can be found in the 80s United States and Thatcher’s United Kingdom as a result of the pressure in the management of cultural organizations and requirements emphasizing development of their own economic activities. The largest expansion of the marketing philosophy in the cultural sphere occurred at the end of the 1990s and at the beginning of the 21st century.

It should be noted that the penetration of the marketing management into the cultural world was not at all easy as the new theory raised concerns of the cultural organizations becoming commercialized. However, the main reason for the marketing methods being rejected was the failure to understand some of their basic functions, and also a mistaken belief that marketing was only a tool for gathering profit or that it was synonymous with advertising. Therefore, its main proponents strongly point to differences between marketing in culture and traditional marketing practices in the commercial sphere. For example, Philip Kotler and Joanne Scheff clearly talk of the sacredness of art in regard to marketing, meaning that it is essential to retain art autonomous from the effects of the market and submit the marketing to the artistic aims.

¹ TAJTÁKOVÁ, M. et al.: *Marketing kultúry. Výbrané problémy*. Bratislava : Ekonóm, 2006, p. 27.

Despite the fact that culture should remain independent from the influence of the market, cultural organizations should not ignore their customers. On the contrary, just by understanding the consumer behavior can an organization build a successful marketing strategy.¹ Approaching the customer is often a long process, because it sometimes requires to break through various barriers and preconceptions.

According to Michael Kaiser, an expert from the Kennedy Center in Washington, culture marketing can be led by two currents, but they both need to aim for attention and loyalty. Kaiser states that “*program marketing is a tactic used to identify and target a new, potential audience of a particular program or event, and is meant to create awareness and demand for tickets, eventually leading to their purchase.*”² This approach is clearly focused on a specific activity, which through the classic tools of marketing communication is meant to stimulate interest in expositions, exhibitions and educational programs. The entire communication must be supported by an effective informational campaign aimed at the target audience. This way, the public will get answers to basic questions about the planned events, such as what, when and how expensive they will be. This is called *missionary culture marketing*. The second stream is called *institutional marketing*, in which the culture institution is communicated as a whole. The main task is to raise awareness of the organization, its profile and strengths, and to promote it to the public as an irresistible place to relax. To summarize, culture marketing management should aid with the proper timing and proportioning of supply, as to not only attract the customers, but especially retain them. It is therefore necessary to transform the various marketing principles to the cultural sphere in a rather sensitive way, so as to remain in the service of art and not vice versa.

MARKETING MANAGEMENT OF CULTURAL POLICIES IN SLOVAKIA AT REGIONAL GOVERNMENT LEVEL

The development of marketing management was different in Slovakia than the rest of the world. The reason behind was that the culture policy has never been of a particular interest to the state. Before 1989, its

¹ BAČUVČÍK, R., HARANTOVÁ, L.: *Sociální marketing*. Zlín : VeRBuM. 2016, p. 179.

² KAISER, M.: *Cyklus: Plánování pro dosažení úspěchu v umění*. Washington DC : DeVos Institute of Arts Management at the Kennedy Center, 2011, p. 8

development was halted by the predominance of the state monopoly in terms of ownership, competence and decision-making. The lack of plural forms in cultural production and the preference of socialist ideology have resulted into a stiffness of the state leadership in this area. As the culture sector was classified as non-productive, its organizational branches were also not motivated to act efficiently, which lead to a lack of interest in improving their own economic results.

The financial situation did not improve even after the fall of the totalitarian regime. During this time, the cultural institutions had to face not only new market forces, but also economic reforms. A change of the way they were funded, growing competitive environment and a freedom of choice for the customers caused these organizations to increasingly focus on their customers and their needs. As a result, in the last decade of the 20th century and the beginning of the 21st century a necessity has emerged for the culture sector to acquire marketing management methods, both at the central and territorial level. In addition to municipalities, which maintain the management of cultural monuments and landmarks, regional government became involved in this process as well.¹ *„Problems on municipal level are connected with regional level, because it is a linked complex of processes of self-governing authorities which are together connected. Therefore it is necessary to consider the changes in regional and also in municipal levels, because current situation becomes too fragmented, which has negative impact on mentioned levels.“*² Slovak regional government adopted marketing management strategies only after the tranformation process, i.e. once the local and regional government levels were established; especially after the transfer of competences. According to Act no. 416/2001 Z.z., the transfer of certain competencies from the state administration to municipalities and higher territorial units, the execution of the state administration of certain sections of culture was transferred to municipal and autonomous regions.

As a result, autonomous regions carry out the duties of certain cultural matters in its original municipal jurisdiction, with the transferred execution of the state administration included. *“With regard to cultural establishments, facilities and institutions, they are entrusted with the execution of public*

¹ HORVÁTH, P. et al.: *Kapitoly z Politického systému SR*. Brno : Tribun EU, 2013, p. 156

² IMROVIČ, M., ŠVIKRUHA, M.: Source aspects in the reform of local self-government in Slovak Republic. In *Scientific Papers of the University of Pardubice, Series D*. 2015, Vol. 22, No. 33, p. 35.

administration as long as they are of regional importance and are also their founders.”¹ Autonomous regions establish, maintain and control the various organizations and entities. Their main tasks in the cultural sector in relation to competences of the regional administration is providing documentation, presentations and promotion of cultural development in their territory, and documenting activities and development in their region, as well as supporting protection of cultural heritage and historical identity of the regions in their territory. Other activities of the regional administration include supporting cultural activities through a regional grant system within their territory, supporting development of tangible and intangible culture and protection of cultural heritage. Furthermore, regional administration can coordinate, activate and economically manage the organizations it established in order to guide the strategic development of culture.

Within the scope of their activities, regional administration also designs operational program, which is the main strategic document of the region's development. Its aim is to ensure comprehensive development of the territory in order to improve the quality of its population, in accordance with the principles of sustainable development. The operational program builds on the outlined strategic objectives, such as culture development and tourism, protection of the environment, transport development, social development and the like. It contains a socio-economic analysis and development strategy for the region, including priorities, financial plan and implementation system. Various marketing studies are devised, which in certain areas should improve the current situation, point to new solutions and possibly make the culture sector work more efficiently.

Regional marketing approach requires a strong customer orientation, i.e. to regional inhabitants, but especially to potential visitors and satisfaction of their needs. Regional marketing is based on a concept of social and socio-ethical marketing and tries to apply the best out of what is to be effectively used in the specific conditions of the region within the field of corporate marketing. New tools used in regional management include marketing planning and marketing plan for the region.

The essence of marketing planning is to define the vision and mission of regional development, to analyze the external and internal environment, but also the stronger and weaker points of the area. This is the basis for

¹ ŠKULTÉTY, P. et al.: *Správne právo hmotné, osobitná časť*. Bratislava : Univerzita Komenského v Bratislave, 2008, p. 134.

the formulation of a long-term strategy for the regional development. The objective of the marketing planning for the region in the cultural sector is to offer better services to its residents, to support investors' and entrepreneurs' interests in entering certain locations, to ensure the comprehensiveness and sustainability of the region development, and to create conditions for the region to be capable of competing against other regions of the European Union.

To communicate marketing plans, each autonomous region must choose a suitable communication manual. During communicating process, it is necessary that target groups are provided with adequate information. A communication plan makes it possible to create conditions favorable for the internal and external communication development of the region and to create partnership between the public, private and the non-governmental sector in the communication area as to maintain a sustainable development of the region. The communication plan is based on the needs and priorities of the region defined in specific programs and marketing strategies for the cultural development and the like. The region may use multiple means of communication, such as public relations, advertising, personal communication, sales promotion and direct marketing. Furthermore, it can make online services available for its residents, regularly assess the implementation of the strategy and effectiveness of the communication activities. On the basis of segmentation in the actual marketing plan, it is possible to accurately assign appropriate target groups, communication tools and matching funds to communication objectives.

The aim of marketing communication for the culture sector is not only to inform and educate, but also to persuade, remind and eliminate the barriers and preconceptions of those visitors who do not attend art and cultural events for various reasons.¹ Changes in attitudes will eventually show in the attendance of cultural events, in the modified structure of the audience now representing diverse types of the population and in the improvement of the region's image itself. Marketing tools correctly set will enable a successful implementation and achievement of the objectives and intentions of the regional culture development in settlements and in the entire society.

A socio-cultural sphere plays an indispensable role for the regional marketing management. Aims and planning processes are affected mainly by the social trend development, such as current leisure time activities

¹ TAJTÁKOVÁ, M. et al.: *Marketing kultúry*. Bratislava : Ekonóm, 2006, pp. 85 – 86.

or the attitude of the public to cultural heritage. Regional traditions also play an important role; therefore, they should be adequately supported by various social gatherings and cultural events, and at the same time they should be attracting new potential customers- visitors to the region.

Marketing management as a creative process can also offer a useful insight into the position and activities of the regional administration, while fostering a comprehensive cultural development of the territory. The planning process itself could be described as innovative, in which future priorities and objectives of the regional development are identified, cultural institutions of the region are made more visible and possible alternative solutions for achieving goals are formed. The regional administration is currently being confronted with new mission plans to be implemented in order to improve their planning processes. In this context, it should be able to realize their potential by creating an effective system of planning, which joined with other devices becomes a tool for fulfilling the tasks assigned. To be able to take an advantage of these positive effects, it is necessary that the plans do not just represent formal documents for the regions to fulfill their legal obligations.¹

The fact that Slovakia wants their culture and awareness of it to develop is formally confirmed by the regular publication of a document called Strategy for local and regional culture development. This key document from 2014 states that: *“a significant contribution to culture today is provided by the regional administration. Different levels of the culture being provided and different levels of the availability of its offers in local and regional conditions depend on multiple factors that result in significant regional disparities. In certain municipalities and regions it is necessary to rebuild or complete the construction of the missing infrastructure. It is also important to improve the cultural offer, and thus stop the decline of the cultural life in municipalities and their surroundings. According to the “Analysis of the state, tools and trends in the development of the local and regional culture in Slovakia” more than half of the municipalities indicated an insufficient and unsatisfactory availability of culture in the given period. Addressing regional disparities in culture is one of the tasks which the region and state should effectively be involved in through the*

¹ KNEŽOVÁ, J.: Plánovanie územnej samosprávy v kontexte reformných zmien. In: *Územná samospráva v procese decentralizácie verejnej správy : zborník príspevkov z vedeckej konferencie konanej dňa 29.11.2010 v Košiciach*. Košice : Univerzita P. J. Šafárika v Košiciach, Fakulta verejnej správy, 2010, pp. 86 - 97.

targeted tools of their cultural policy.”¹

The achievement of better conditions for the availability of culture across the country, as well as better application of culture in various areas of life are considered to be the main visions of the cultural strategy in Slovakia. The main strategic objectives of 2016 are a co-funding from the public funds, an improvement of inter-departmental and inter-sectorial cooperation and communication, and an improvement of material and technical conditions for the development of local and regional culture.²

This document is a clear indication that Slovakia considers culture to be an important issue and wants to be devoted to it. Culture is addressed primarily by regional administrations. However, it is only natural that every region prioritizes it differently. Their attitude, plans and vision are submitted in various documents.

In addition to the main strategy, each autonomous region has its own strategy, action plan or program. Trnava region's Action plan for the infrastructure development of culture, cultural institutions and cultural activities states that *“Trnava regional administration's task is to provide the best conditions for the creation and presentation of culture and cultural values on local and regional level for the current generation, and as much as possible ensure the protection of cultural heritage for the future generations.”*³ The document also describes 18 cultural institutions that the region funds as its contributory organizations from its budget. The strategy for the infrastructure development of culture, cultural institutions and cultural activities in Trnava region territory defined strategic objectives, plans and activities on two basic levels: for organizations in their founding competence and for municipalities in their territory in a form of recommendations. Action plan of the infrastructure development of culture, cultural institutions and activities in this area presents primary measures (projects or plans) of cultural organizations that should fulfill specific strategic objectives

¹ *Dokument Stratégia rozvoja miestnej a regionálnej kultúry.* [online]. [2016-10-22]. Available at: <<http://www.culture.gov.sk/posobnost-ministerstva/tradicna-kultura-a-osveta/dokumenty-114.html>>.

² ŠKULTÉTY, P. et al.: *Správne právo hmotné, osobitná časť.* Bratislava : Univerzita Komenského v Bratislave, 2008, p. 134.

³ *Dokument Akčný plán rozvoja infraštruktúry kultúry, kultúrnych inštitúcií a kultúrnych aktivít na území Trnavského samosprávneho kraja.* [online]. [2016-10-22]. Available at: <<https://www.trnava-vuc.sk/documents/10180/67092/Ak%C4%8Dn%C3%BD%20p1%C3%A1n+rozvoja+kult%C3%BARY+TTSK/96f40f93-325d-44f0-89ee-a67fd7728bb6?version=1.0>>.

and plans for the culture development. They include enhancement of the conditions for the cultural institutions, increase in the availability of cultural heritage in electronic form, increase in the attractiveness of theaters while creating culture in the region, improvement in the conditions for the growth and development of human resources, increase in the intensity of raising cultural awareness and improving attitudes of children and youth towards culture (Action plan for the infrastructure development of culture, cultural institutions and activities in the territory). It is obvious that Trnava is devoted to its cultural heritage and the overall development of its territory as its document is elaborate and detailed.

The strategy for cultural development of Bratislava region for 2015 - 2020 indicates that the region has various administrative bodies available for exercising competences in the culture sector and can work with many institutions, associations, activists and celebrities. However, the region primarily supports culture development by establishing cultural facilities, which are directly linked to the budgets of cities.¹ It is the cultural institutions of Bratislava region that are the most popular, both by tourists and its residents. Other regions could follow this example.

The program of economic and social development of Trenčín region for 2013-2023 reveals that *“culture generates not only social, but also economic effects, and the culture industry is increasingly regarded as an important factor for the development of the regional economy by relying on the endogenous potential of the territory. Current challenges of this field are to increase the quality and professionalism of the human resources and implementation of modern technologies in the culture sector in accordance to aspects of the knowledge base.”*² Furthermore, the document mentions future actions intended for the improvement of culture, such as supporting employment in the culture industry, marketing job positions, modernizing the cultural facilities and utilizing information and communication technologies. Although the region does not have a separate document devoted to culture management, this program sufficiently describes and sets out future objectives. There is still room for improvement and work as to create more institutions devoted to culture.

¹ Dokument *Stratégia rozvoja kultúry v Bratislavskom samosprávnom kraji na roky 2015 - 2020*. [online]. [2016-10-22]. Available at: <<http://www.region-bsk.sk/clanok/aktualne-spravy-bratislavsky-kraj-ma-schvalenu-novu-strategiu-rozvoja-kultury.aspx>>.

² Dokument *Program hospodárskeho a sociálneho rozvoja Trenčianskeho samosprávneho kraja na roky 2013-2023*. [online]. [2016-10-22]. Available at: <http://www.tsk.sk/buxus/docs/content/PHSR_TSK.pdf>.

The concept of cultural development of Nitra region for 2008 – 2015 emphasizes the importance of culture and its role right from the beginning. It states that “*culture contributes to the quality of life of its residents and it is an important medium for social functions, ethical values and positive habits.*”¹ Furthermore, it deals with opportunities, such as participation in grant programs to receive funding for the reconstruction of the theater buildings and the completion of the necessary infrastructure. Nitra region is aware of the weaknesses and threats and they would like to fix them. Buildings of several cultural institutions need to be reconstructed; however, during reconstruction, they might lose their regular visitors. The document reveals that Nitra region is aware of the importance of culture, but it is afraid of changes.

The suggested strategic vision for the direction of culture in Banská Bystrica region states: “*Culture is a public issue. It is an indicator of the development of the nation and the quality of life of its citizens. Its neglect leads to serious damage to social and economic system.*”² The document also argues that the local and regional level of development is insufficiently supported from the public funding and there is a lack of sufficient funds for this area. Funding is also needed for the reconstruction, salaries for employees and cultural properties (“props”); and failure to offer that is reflected in the attendance of cultural events. Banská Bystrica region also formed its strategic objectives, which include raising funds for the reconstruction of buildings, active utilization of spaces for propagation of local culture, development of Slovak cultural heritage, more performing arts and traditional crafts, completion of the central culture information database, formation of a multi-source funding system, promotion of creative art activities, improvement of conditions for children and youth to spend their leisure time more meaningfully, utilization of marketing tools to increase the number of customers and maintaining high-quality art programs. This proposal shows that the region has issues especially with financing, but it identified strategic objectives to address them. Overall, this document includes many objectives for the culture development, but it is questionable whether they will be able to meet most of them.

¹ Dokument *Koncepcia rozvoja kultúry Nitrianskeho samosprávneho kraja na roky 2008 - 2015*. [online]. [2016-10-22]. Available at: < <https://www.unsk.sk/Files/ShowFile/23258>>.

² Dokument *Návrh strategickej vízie smerovania kultúry v Banskobystrickom kraji*. [online]. [2016-10-22]. Available at: <<http://www.bystricoviny.sk/spravy/mesto-ma-strategicku-viziu-smerovania-kultury/->>>.

Žilina region deals with the culture marginally in its Strategic development plan valid until 2025, which states that the City Theater building needs to be repaired and the construction of a natural amphitheater intended for cultural events is under consideration. Furthermore, it wants to build a large multifunctional hall that would serve for cultural, social, sport and exhibition purposes. The city of Žilina is planning to apply for funding for the reconstruction of Rosenfeld Palace through EU structural funds. After reconstruction, the Palace should fall under the management of the City Theater. The city owns several cultural houses rented to local entities for cultural and other purposes. In addition to plans for future culture development formed by the city of Žilina itself, there are also projects formed by various non-profit organizations and civic associations.¹ It can be concluded that Žilina region is not especially concerned about the culture issue as evident from the lack of a separate strategy for this sector. The region should try harder to increase and improve cultural events offered for its residents. It could definitely gather a number of supporters.

Košice region also formed its own cultural strategy in a document called Culture development strategy for Košice region, which particularly states its global aim: *“to improve quality, sustainability and competitive capability of Košice region by 2020.”*² The region also set the strategic objectives for various cultural areas: to optimize culture agents' equipment operation, to improve the effects of the school environment on children and youth in order to increase their cultural awareness, increase the employment rate of the population in the culture sector, create a support system for culture agents, develop tourism oriented on culture, and increase the promotion of all areas of interest and cultural spheres. All of these strategic objectives also include points describing the means that could best achieve their fulfillment. It also mentions culture training for the staff, creation of an internet portal and e-newspaper about culture and more cultural performances for children in schools. It is evident that this document is elaborate and the region cares about its culture development.

The strategic plan for the Prešov region is yet to be published. Overall, there is little information about culture to be found on the city's official website and this section only provides information about the number of

¹ Dokument Strategický plán rozvoja mesta Žilina do roku 2025. [online]. [2016-10-22]. Available at: <<http://www.socialne.zilina.sk/wp-content/uploads/2012/06/Strategicky-plan-rozvoja-mesta-Zilina-do-roku-2025.pdf>>.

² Dokument Stratégia rozvoja kultúry v regióne košického kraja. [online]. [2016-10-22]. Available at: <<http://web.vucke.sk/sk/uradna-tabula/phsr/strategicke-dokumenty.html>>.

cultural facilities and contact on the head of the culture department. It is questionable, whether Prešov region does not consider culture to be an important issue or whether it just does not form individual plans and programs for the future development. Prešov region has definitely a lot to offer when it comes to culture.

CONCLUSION

The culture sector is inherently an important part of the economic and social development of the region. Through the department of culture and tourism, the regional administration identifies cultural needs and provides cultural services to its residents. The implementation of the regional cultural policy focuses on the more difficult culture projects in collaboration with non-profit organizations, business entities and other artist associations and expert institutions. Although it is possible to say that regions also approach the marketing management in different ways, most of them try to constantly improve and enhance their potential. Definitely the largest issue for the management of regional cultural policies are the finances; however, regions are able to receive them from various funds and other sources. It is only up to the regional administration if it puts effort into the realization of individual strategies. If successful, Slovak regional culture will have a chance to move forward and gain many new supporters.

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WASTE MANAGEMENT UNDER THE STATE ENVIRONMENTAL POLICY

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Abstract

According to Strategy, policies and priorities of the State Environmental Policy, the environmental policy is a summary of the ideas, concepts, strategies, objectives and principles of political, economic or interest entities (e.g. government, public administration, management of the company). In this paper, we looked into the analysis of the application of environmental policy objectives particularly in the waste management sector. Waste management concept in the Slovak Republic is based on existing conceptual documents of the United Nations, European Union, the State Environmental Policy and available policy materials on the level of regions and districts. We also draw attention to the duties and responsibilities of local self-government under the new Act. 79/2015 Coll. on waste, effective from 01.01.2016 and replace Slovak Act 223/2001 Coll. In this paper were demonstrated changes in the Waste Management Programs and responsibilities of municipalities in the municipal waste management.

Key words

State Environmental Policy, Waste Management, Act No. 79/2015 Coll. on Waste, duties and responsibilities of local self-government, Waste Management Plan of the Slovak Republic 2016-2020

INTRODUCTION

State of the environment affects the quality of services that are needed to meet the needs of the society. Therefore, it significantly determines the quality of life. The environment is an important component and supposition for social and economic development. Environmental issues are becoming a part of a leading global strategies to which more and

more countries commit to.¹ Promoting the objective of these strategies implies including their principles and measures into legislation at the national level. It can be done through legislation on the environment and formulation of government environmental policies. With the entry of Slovak Republic to the European Union, the situation in the field of waste management has changed, both in terms of legislation and in the practical application of the requirements of European law.² European Union directives require member states to prepare strategies, medium and long term plans (for 10-20 years). Those should create a framework for short-term implementation plans (2-5 years) and expects to prepare such plans at regional level as well as company level.

Inadequate application of laws on the environment is a problem in present in several countries, including the Slovak Republic. This results from the fact that environmental topics are not subject to public discussion. Their actual enforcement in the programs of political parties, which would help in the long-term application of the principles in green policies, also lacks.

The role of this paper was a demonstration of the application of the State Environmental Policy, particularly in the waste management sector. We also draw attention to the duties and responsibilities of local self-government under the new Act. 79/2015 Coll. on Waste and amendment to certain laws, effective from 01.01.2016 and replace Slovak Act 223/2001 Coll.

1 ENVIRONMENTAL POLICY IN THE WASTE MANAGEMENT

According to *Strategy, policies and priorities of the State Environmental Policy*, the environmental policy (also ecology policy or policy of the environment) is a summary of the ideas, concepts, strategies, objectives and principles of political, economic or interest entities (e.g. government, public administration, management of the company). It is expressing:³

- attitude towards the environment,
- responding to environmental problems,
- will to address these problems,

¹ GRET-REGAMEY, A. et al.: Facing uncertainty in ecosystem services – based resource management. In *Journal of Environmental Management*, 2013, Vol. 127, p.145–154.

² KOŠIČIAROVÁ, S. et al.: *Právo životného prostredia – Všeobecná časť*. 1. vydanie. Bratislava : Právnická fakulta univerzity Komenského, 2002. p. 186.

- means of achieving balance between the satisfaction of human needs and reproductive ability of nature.

The draft of the first Slovak Strategy, policies and priorities of the State Environmental Policy was approved by the government of Slovak Republic September 7, 1993 by Resolution No. 619 and by the National Council of the Slovak Republic November 18, 1993 by Resolution No. 339. The strategy is based on the evaluation of the current environmental situation in the Slovak Republic and in the world. Hence it was based on certain internal and external conditions, objectified in interdepartmental review proceedings, experts, local government authorities, institutions and associations of citizens.

The development of environmental care in Slovakia is, according to the State Environmental Policy, an integral part of overall development of the society, its economic and social needs. It depends on the prevention of the main causes of environmental damage and elimination the existing main causes and negative consequences of environmental degradation.

162 goals (multi-tiered in particular fields) and follow-up programs, projects and measures were formulated into four blocks based on the orientation of the environmental policy of Slovakia. Goals for waste management were included in *Block I. – Environmental policy on protection of the air; water and before risk factors, policy on nuclear safety and waste management (environmental safety)*. All goals are based measures of investment, programme, and conceptual, legal, administrative and educational nature. The goals are divided into 10 sectors for clarity, possibility of increased control and better application in relation to existing structures. In this paper, we looked into the analysis of the application of environmental policy objectives in the sector *C – Waste Management*. As a part of this issue in solving the environmental problems of Slovakia and theirs scheduled monitoring and evaluation the efficiency are specified parameters, which can be summarized to:¹

1. Reducing the amount of produced hazardous waste and preventing the import of hazardous waste.
2. Advantaging and introduction of separate collection of waste with

¹ Strategy, policies and priorities of the State Environmental Policy. The Ministry of Environment of Slovakia. [online]. [2016-12-05]. Available at: <http://www.minzp.sk/dokumenty/strategicke-dokumenty/strategia-zasady-priority-statnej-environmentalnej-politiky.html>

- the assumption of reduction of municipal waste.
3. Systematic remediation and reclamation of landfill space that threaten the environment and reducing of environmental pollution gradually in the whole country.
 4. Determination of geologically suitable sites for construction of managed landfills.
 5. Completion of comprehensive monitoring and information system of the environment – PMS (Partial Monitoring System) waste management.
 6. Application of legal instruments and development and implementation of waste management programs at all levels and assessing their effectiveness.

Waste management concept in the Slovak Republic is based on existing conceptual documents of the UN, EU, the State Environmental Policy of the SR and available policy materials on the level of regions and districts. Waste management concept is based on the principles of sustainable development (Agenda 21). That means the development that takes place in a way which does not jeopardize the capacity of future generations to meet their own needs. Thus, the waste management means particularly efficient use of resources, reducing the volume of produced waste and their disposal in a manner that will help to achieve the objectives of sustainable development. Important recourses are also: ¹

- Integrated Waste Management (inclusion of all types of waste and functional elements of waste management) respects the needs and opportunities of the region, it is flexible (capable of responding to changes) and proactive (able to predict changes).
- Waste Management has clearly defined objectives and methods of verifying the feasibility by using indicators.
- Waste Management practises the method of professional public participation within the development of concepts (e.g. workshops with subjects of waste management in the region).

The most important strategic document in the waste management of Slovakia for the years 2016-2020 represents Waste Management Plan of the Slovak Republic (WMP SR). Its content meets the requirements

¹ *Waste Management Plan 2016-2020*. [online]. [2016-12-03]. Available at: <https://lt.justice.gov.sk/Material/MaterialHome.aspx?instEID=54&matEID=8449&langEID>

set out in the legislative regulations of Slovakia and EU, particularly in the *Act. 79/2015 Coll. on waste and on a change and amendment of certain other acts, effective from 01.01.2016 (the “Act on Waste”)* and directives of the European Parliament and Council No. 2008/98/EC of November 19, 2008 on waste and repealing certain directives. WMP SR for the years 2016-2020 is the fifth national programme which sets basic requirements, goals and measures for the area of waste management. It is based on the evaluation of the previous WMP SR for the years 2011-2015 and on analysis of the current state and needs of Waste Management of Slovakia. The programme also takes into account the approval of the Operational Programme the Quality of the Environment for the period of 2014-2020. The focus of the Operating Programme will significantly contribute to direction of investment in waste management infrastructure for the period until 2020. WMP SR covers the management of all waste within the definition of waste in the Act on Waste. The programme does not include measures to prevent creation of waste under Article 29 of the Waste Framework Directive, since they were adopted in a separate document entitled Waste Prevention Programme of the Slovak Republic for the years 2014-2018. This document was approved by the Government of the SR by Resolution No. 729/2013 of December 18, 2013.

2 THE SITUATION OF WASTE MANAGEMENT IN THE SLOVAK REPUBLIC

Competent authorities and institutions in waste management

Binding part of the Waste Management Programme of the Slovak Republic is a binding document for decision-making activities of state administration bodies in waste management. District offices at the county residence are required to draw up programs for county based on the objectives and measures set out in this document. The program of the county should be prepared for an area that is within the scope of the relevant district office at the county residence.⁴

Competent institutions in the field of state administration for waste management are:

- The Ministry of Environment of Slovakia is a central state administration body in waste management.

- The Slovak Environmental Inspectorate is a state supervisory body in waste management.
- District offices at the county residence – from 1.10.2013 by effectiveness of the Act No. 180/2013 Coll. from the National Council on organization of local state administration and on amendments to certain laws. Competencies of district offices at the county residence are listed in § 107 of the Act on Waste.
- District offices - from 1.10.2013 by effectiveness of the Act No. 180/2013 Coll. from the National Council on organization of local state administration and on amendments to certain laws. Competencies of district offices are listed in § 108 of the Act on Waste.

The state administration in waste management further implement: the municipalities (§ 109 of the Act on Waste), Slovak Trade Inspection (§ 110 of the Act on Waste), and government authorities in the field of taxation, fees and custom duties (§ 111 of the Act on Waste).¹

2.1 New “Act on Waste”

The Act on Waste 223/2001 Coll. was amended more than 30 times and more than 10 directives were included in the text, including amendments and additions. Precisely because of the large number of amendments, which did not always bring the desired effect, some have started to contradict others, respectively, some have lost their relevance. Experience has shown which provisions have proved successful and have the desired effect and which needs to be changed or deleted or they require a conceptual change within the management of certain waste. And last but not least, there are the ambitious objectives of the European Commission, which aim to significant reduce of landfill of municipal waste and, on the other hand, a significant increase in recycling rates across the EU. After considering the above, the Ministry proceeded to significant solution of the situation in waste management legislation and prepared a new Act on Waste – Act No. 79/2015 Coll. on waste, which has the ambition to reduce waste disposal defused by dumping, particularly by introducing and applying extended producer responsibility by standard manner in other member states of the EU and its transfer to the municipal level.

108 | ¹ *Act No. 79/2015 Coll. on Waste and on a Change and Amendment to Certain Laws*

Changes in the Waste Management Programs

According to the new Act on Waste⁵, there occurs changes in the area of Waste Management Programs (WMP) as well. The period, for which the WMP are drew up was extended and the administrative burden on waste producers was reduced. WMP of the Slovak Republic is drew up by the Ministry of the Environment for a period of 10 years (§ 9 section 1). Ministry of the Environment submits the assessment of compliance with WMP every five years to the National Government (§ 9 section 10). The district office at the county residence shall submit the WMP of the county to assess its effects on the environment within 3 months from approval of WMP. After assessing its effects, the district office releases the binding part in a form of a legislative decree. WMP of the county is drawn up for a period equal to the period of validity of WMP of Slovakia. The obligation to draw up the WMP for municipalities (§ 10) applies only to the municipality with an annual waste production, including minor construction waste, is more than 350t, or to the municipality with population more than 1000.¹

The municipality must submit WMP of the municipality within 4 months from the release of WMP of the county to the competent state administration body in waste management. The period of validity for the WMP of the municipality is equal to the period of validity of the WMP of the county, i.e. usually 10 years. There remains a possibility to develop WMP together with several municipalities on basis of a contractual cooperation (WMP of the association of municipalities). At the same time, the new Act on Waste abolishes the obligation to draw up the WMP of the originator. This will lead to a reduction of administrative burdens for businessmen.²

“Black landfills” – responsibility for illegally disposed waste

An important innovation under the new Act on Waste is that an announcement of illegal landfill to state administration body in waste management (appropriate district office, Department of the Environment) or to municipality can be done by any legal and natural person (§ 15

¹ ŠUPLATOVÁ, E. et al.: *Čo prináša nový zákon o odpadoch: Príručka pre samosprávy*. Banská Bystrica : Slovenská agentúra životného prostredia, 2015.

² Act No. 79/2015 Coll. on Waste and on a Change and Amendment to Certain Laws

section 1). The owner, keeper of tenant of the property is obliged to notify the competent state administration body in waste management immediately after discovering illegally deposited waste on his property. If he does not, it is a violation for which he can pay a fine up to 1500€, in case of legal or natural person – entrepreneur, the fine will be in a range of 500 to 50000€. The municipality and the state administration body in waste management must inform each other within 7 working days from the notification of illegal landfill. If the competent authority finds that the illegal landfill is to such extent that the crime was committed, it shall proceed in accordance with the Criminal Procedure Code (§ 15 section 7). The competent authority may request the cooperation of the police in clarifying the illegal landfill.⁷

If there was not committed a crime, state administration body in waste management will begin the process of determining the responsible person who created the illegal landfill. If the culprit is found, he must ensure disposal of the waste at their own expenses.

If the competent authority does not find the culprit, the disposal of the waste must be ensured:¹

- In the case of municipal waste or minor construction waste, it should be disposed by the municipality in whose territory the illegal landfill is situated
- In the case of other than municipal waste or minor construction waste, it should be disposed by the competent authority of the state administration of waste management.

New changes and responsibilities of municipalities in the municipal waste management

The new law significantly changes the system of financing municipal waste management. Whole “separate waste” (paper, glass, plastic and metal packages) will be financed by producers, which significantly reflects in the finance management of municipalities. This change was a result of consistent application of the principle of extended producer responsibility for its products throughout whole their life cycle, which means even at the stage of becoming waste. It is a basic principle – commitment of producers who committed to this obligation during the preparation of the

110 | ¹ ŠUPLATOVÁ, E. et al.: *Čo prináša nový zákon o odpadoch: Príručka pre samosprávy*. Banská Bystrica : Slovenská agentúra životného prostredia, 2015.

Act on Waste. It also is a certainty for municipalities that manufacturers will take care of the entire number of sorted components of municipal waste covered by extended producer responsibility.

On the other hand, it is necessary to realize that the fact that the producer has to bear the costs for the disposal of separate waste does not mean that the municipality is not responsible for management of this waste.

The competence of municipality and its responsibility for the management of municipal waste are not radically different from its prior status. The municipality remains the entity responsible for managing municipal waste and minor construction waste and it manages the waste on its territory. If the separate waste in the municipality will not be introduced to the extent as required in standards of waste management, which are specified in the implementing regulation to the Waste Law, it is understood that the municipality did not fulfil the obligation to ensure the development and implementation of separate waste.

The issue of municipal waste is relatively wide. It is an important part of the Act on Waste; therefore, the sixth part of the act is dedicated specifically to municipal waste. The act is divided into four paragraphs: basic provisions (§ 80), management of municipal waste and minor construction waste (§ 81), collection site (§ 82), the operator of kitchen (§ 83).¹

Abolition of Recycling Fund

One of the main changes under the new Act on Waste is the abolition of the Recycling Fund. The Recycling Fund was established in 2001 by Act on Waste No. 223/2001 Coll. on encouragement of separate waste collection and waste recovery and building of recycling capacities in Slovakia.² The role of the Recycling Fund is slowly ending, because the recycling industry in Slovakia is already largely build up. Moreover, the centralized system for promoting waste recovery without competitive environment appears to be inadequate and inflexible. Revenues to the Recycling Fund are still shrinking due to more and more liable people meet their obligations through system of authorized organizations and the number of defaulter increases without possibility of penalties. Accordingly, the Ministry of the Environment of the SR as a promoter of the new Act on Waste decided to cancel the Recycling Fund. Moreover, it decided to

¹ Act No. 79/2015 Coll. on Waste and on a Change and Amendment to Certain Laws

² Act No.223/2001 Coll. on Waste

fully pass the promotion of waste recovery on the industry in the form of extended producer responsibility. Repeal of the Recycling Fund (§ 132-134) was set at 31.12.2016.¹ It will be a gradual process, but the Recycling Fund enters on that date into liquidation.

CONCLUSION

The State Environmental Policy is the basic, strategic and cross-sectoral document for the development of programs in various environmental problems. Environmental Policy formulates principles concerning environment and resources and objectives of the implementation of environmental objectives. One of the principles of the State Environmental Policy is its implementation in all sectors of the economy and concerning tertiary sector. This means that State Environmental Policy should have a transversal nature and cannot remain the task of only one ministry. In most Slovak towns, cities and municipalities, the so-called local integrated system of separate waste collection is in operation. The majority of the inhabitants have the possibility of separating their waste and more than 2/3 of the inhabitants also regularly use the system of separate waste collection.² Most inhabitants have access to collection bins or other collection methods for separate collection. The most important strategy implementing separate collection is the Slovak National Waste Management Plan (2011-2015).

For example bio-wastes, the following goals are laid down: to implement separate collection of bio-waste with the aim to carry out composting or anaerobic processing of waste; in case of wastes from foodstuffs, to ensure recovery of 90% of generated wastes and to use 80% of them for biogas production and 20% for compost production; to process bio-waste using a method which will meet the high level of environmental protection. We have demonstrated only some of the important objectives of the waste management and changes in the new Act on Waste. However, there is also the important role of policies and political programs to highlight the importance of respecting the State environmental policy and its inclusion in the hot topics to the public discussion.

¹ ŠUPLATOVÁ, E. et al.: *Čo prináša nový zákon o odpadoch: Príručka pre samosprávy*. Banská Bystrica : Slovenská agentúra životného prostredia, 2015.

² *Waste Management Plan 2016-2020*. [online]. [2016-12-03]. Available at: <https://lt.justice.gov.sk/Material/MaterialHome.aspx?instEID=54&matEID=8449&langEID=1>

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THE REGIONAL STATUS OF TRNAVA - ITS HISTORICAL AND POLITICAL ASPECTS

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Abstract

Currently, more and more experts are leading discussions about activity of autonomous regions that were created 15 years ago in the process of decentralization of public administration. Criticism is mainly aimed at applied model of the eight units and the limitation of question of scope. In this article, we focus on the first factor which is examined from the aspect of a specific case study of the town Trnava. We solely deal with the significance of the historical merits of this unit and we analyse arguments leading to its definition. Thus we try to answer the question whether the establishment of Trnava region is the result of historical development or it was a directive political decision of the centre. The obtained outcome can be generalized through evaluation of the entire model of regional self-government in terms of dealing with the specific elements.

Key words

Trnava self-government region, historical aspects, political aspects

INTRODUCTION

The position of autonomous regions in Slovakia is under constant pressure of some political leaders of the state who promote the reform of the set the model or their complete abolition. The primary argument of the critics comes out from the model of the eight units which is considered by them as an artificial product created by the bearers of the political power at the turn of the 20th and the 21st century. This is a result of the absent binding of the citizens with their autonomous region and their lack of interest in the activities of municipal authorities. At the occasion of 15 years of existence of this model, we try to focus on the issues from specific

viewpoint. We choose only Trnava region where we analyze the historical and political attributes that led to its establishment. Thus we confront two statements: whether this unit is a result of the ongoing development and it has its historical justification or it was purely a political decision and thus it is an artificial unit. Later on, we draw on the interviews with people directly involved in this process. The report is thus divided into two chapters. We present our outputs in the end.

1 THE HISTORICITY OF TRNAVA AS A CENTRE OF THE REGIONAL UNIT

The town Trnava has undergone a remarkable historical development and thus we can objectively integrate it into the most important towns in Slovakia. Its political and social significance is defined by the historical particularity as the first royal town in Slovakia. Granting the privileges by the Hungarian king Belo IV in 1238, Trnava primarily ratified the self-governing management mechanisms through the elected mayor and the city council. However, in terms of regional administrative location it must be mentioned that Trnava did not have its own regional administration. According to the historian Šimončič, there was not any reason to do so since municipality has the equal position as the regional entities, whether with committee or with the aristocratic chair from the late 13th century. Although the town was territorially located within the territory of the Bratislava county, in terms of management, it was independent on the county authorities. Trnava was thus essentially developed as a stand-alone unit without any determination of the administrative regional center throughout almost the entire duration of Hungary. The only exception was a brief period in politically turbulent times after the 'Hungarian' revolution in the mid 19th century when this period rised up in the years 1854 to 1860 as the center of the Upper Nitra County. However, our analysis showed, it was merely a transitional stage in time of "Bach's absolutism" when the Nitra county was divided into two parts. The steering mechanism lied fully within the central government authority by means of delegated commissioners, and thus we cannot talk about some form of self-government. However, the legal effect of Article XX of 1876 had more impact on the importance of the town than the demise of the steering mechanism. On the basis of this article, all privileges of royal towns were abolished. Trnava thus became the town with its municipality,

while the report was subordinate to the body of the Bratislava county¹.

After the establishment of Czechoslovakia in 1918, they followed the initial administrative system under the Reception Act, and thus the Trnava town administration remained handcuffed to the county. The dual system of administrative authorities in the Czech Republic and Slovakia and the pursuit of democratization led to two major reforms concerning the regional level². By the act 126/1920 related to the county and district offices, the county adopted a new model that was effective only in Slovakia until the beginning of 1923. On the territory of Slovakia, the law established six counties, which have become centers of Bratislava, Nitra, Zvolen, Turčiansky St. Martin, Liptovský Mikuláš and Košice. Trnava thus has not been elevated to the county town, which can be justified by several factors. At first, it must be noted that the historical and geographical aspects played a dominant consideration in selecting the centers. To some extent, they followed up with tradition of those towns that have been the centre counties during the Hungarian state. Trnava county with its own province was limited to a very short period that we mentioned above. Thus it did not constitute a natural center for some larger region. In this respect, it belonged to the catchment area of Bratislava as the centre of the entire Slovakia. Trnava thus gets only the status of the town. This system does not last long, as it failed to remove the duality of public administration³.

Based on the Law no. 125/1927 Coll. on the organization of public administration, 'Krajinski model' was adopted. In essence; however, it completely negated the regional division and it created one political unit from Slovakia. Based on political and historical criteria, Bratislava has understandably become Central Slovak countryside⁴. The position of Trnava thus remained unchanged in the form of the town. The system of administrative relations has not undergone more significant changes since the fixed linking on Bratislava has persisted from the previous county establishment. Practically, there have been institutional changes with keeping the original content. The County office was technically transformed into a provincial office while the headquarters were remained.

¹ ŠIMONČIČ, J., *Dejiny Trnavy*. Bratislava: DAJAMA, 2010. p. 623.

² Zákon č.11/1918 o zriadení samostatného štátu československého [online]. [2016-12-14]. Available at: <<http://spcp.prf.cuni.cz/lex/11-18.htm>>.

³ Zákon č.126/1920 o župných a okresných úradoch [online]. [2016-12-14]. Available at: <<http://sodb.infostat.sk/sodb/sk/1991/format.htm>>.

⁴ Zákon č.125/1927 o organizácii verejnej správy [online]. [2016-12-15]. Available at: <<http://sodb.infostat.sk/sodb/sk/1991/format.htm>>.

The method of election bodies was based on the original county system. The citizens have the right to decide on the composition of the provincial council election act. The Provincial president was designated by the President of Czechoslovakia and he was in charge of the country¹.

The establishment of the county was again restored as part of The Slovak State. By the Act. 190/1939 Sl. on the public inner administration, there have been established six counties by which the model approached the arrangement of Czechoslovakia in the years 1923-1927². On this basis, Trnava has not been elevated to the regional center although its position was very important after the Vienna Arbitration on the trimmed area. This is also indicated by statistical data from 1939 on the basis of which Trnava with its number of 25, 820 inhabitants was the second largest city of the former Slovak Republic³.

The post-war development is linked with the Communist forces coming into the renewed Czechoslovakia. These forces started to build a specific system of socialist administration based on a multi-level system of national committees. In terms of greater centralization of power, they have been submitting proposals for the establishment of a smaller number of larger units, within which; however, Trnava was not counted. At the regional level, the region has become the basic administrative unit. By the Act. 280/1948 Coll., Slovakia was divided into six units, which bears a marked resemblance with 'the province system' of the First Republic. Bratislava, Nitra, Žilina, Banská Bystrica, Prešov and Košice have been established as the seats of the regional national committees. This signified the re-attachment of Trnava as the largest city in Slovakia⁴. However, this decision resulted from the natural historical circumstances of the mutual relationship and it also reflected geographical terms with a lower number of regional units. Trnava had preserved its district, which was in a hierarchical structure subordinate to the decisions of the Regional National Committee in Bratislava⁵.

¹ ŠUCHOVÁ, X.: *Idea československého štátu na Slovensku 1918-1939*. Bratislava: Historický ústav. SAV. 2011 p. 312.

² SCHELLE, K.: *Vývoj veřejné správy na území českých zemí a na Slovensku*. Ostrava: Key Publishing, 2012, p. 371.

³ ŠIMONČIČ, J., *Dejiny Trnavy*. Bratislava: DAJAMA, 2010. p. 623.

⁴ Zákon č.280/1948 o krajskom zriadení [online]. [2016-12-16]. Available at: < <http://www.noveaspi.sk/products/lawText/1/18160/1/2>>.

⁵ GURŇÁK, D: *Regionogeografické špecifiká vývoja administratívneho členenia územia Slovenska*. [online]. [2017-01.-14]. Available at: < <http://www.regionalnogeografia.sk/>

Other changes prompted the adoption of the new Constitution of 1960, which has already declared the victory of socialist ideas. In the spirit of the successful centralized management on both political and economic level, it got proceed to an even greater centralization by deepening the reform of the regional model. Under The Act no. 36/1960 Coll., Slovakia was only divided into three regions, while Trnava has become a logical part of the western regions, based in Bratislava. The new model also counts with a reduction in the number of districts to 33, which is inevitably reflected in the enlargement of the existing Trnava district. The reform of the 28 municipalities were added into the former district Piešťany and 27 villages of the original district Pezinok were also added¹.

The political and social turmoil in 1968 have affected primarily the position of Slovakia within Czechoslovakia. On the official level, Slovakia got into a federal relationship with the Czech side. Formally, The Slovak Socialist Republic was thus established as a branch of the federal state. The Slovak National Council has become the crucial body at the national level. On the basis of this fact, this body take valid decisions for the entire territory of Slovakia. In this regard, the Act no. 71/1969 Coll of the National Council of the Slovak republic was important. By this Act, the three-stage management was transformed into two-stage management. Since July 1, 1969 the regional national committees stopped being in existence. By this act, the district national committee Trnava has got into a hierarchically higher position².

As one element of 'normalization'-the strong centralism- in the early seventies has signed re-establishment of regions 1st January 1971, when the original model three regions was being restored. However, a major change was promotion of Bratislava region since this event turned into a system of three plus one. In the system of application of small number of regions, Trnava has retained its administrative linking with the capital and people eventually put themselves in gradually. After the revolutionary changes in 1989, this system was abolished and there were no entities at the regional level since 1990³. Democrats; however, could not agree on a new form of

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¹ Zákon č.36/1960 o územnom členení štátu [online]. [2016-12-16]. Available at: < <http://www.zakonypreludi.sk/zz/1960-36>>.

² VOLKO, V., KÍŠ, M., Stručný prehľad vývoja územného a správneho členenia Slovenska. Bratislava: Ministerstvo vnútra SR. 2007. p. 104

³ Zákon č.369/1990 o obecnom zriadení [online]. [2016-12-18]. Available at: < <http://www.zakonypreludi.sk/zz/1990-369>>.

stage settings. At the reform in 1996, the administrative division of the model was being adopted to eight counties where Trnava already took its part¹. Technically, this model was a crucial one for determination of self-governing regions in 2001, and we deal with this in the second chapter².

However, if we summarize the facts of each period, we clearly observe that the Trnava region does not have its historical justification. We have identified only a short period between the years 1854-1860, when Trnava was the center of the Upper Nitra County. Unfortunately, this was just a temporary management setting in Hungary due to a post-revolutionary development that has been artificially managed by a central power. Although the several models were applied in the 20th century under a diverse constitutional position of Slovakia and the political regime, Trnava did not appear even once in historical maps of each period.

2 THE POLITICAL ASPECTS DETERMINING THE REGIONAL STATUS

The promotion of Trnava to regional level in 1996 had important implications for Trnava. First of all, it got into the first category of towns seats. Secondly, as it turned out, this event was fundamental for the creation of autonomous regions in 2001. The territorial model became crucial for creating a second level of government. Therefore; in this part, we focus on the political context and circumstances when it comes to the adoption of Law no. 221/1996, which decided for Trnava to become the town of regional importance. On the basis of the conducted interview with the former Government Plenipotentiary for public administration reform Arpad Matejka, we got a complete picture of these issues.

However, if we analyze the attitudes of former political parties represented in the Slovak Parliament, almost all of them performed with specific solutions. The opposition party of the Democratic Left, alongside with the Slovak Government's National Party promoted a model region 3 plus 1 which was based on the original system settings under socialism between 1971 and 1990's. On the contrary, the opposition Christian Democratic Party and the Democratic Union were in favor of a deeper

¹ Zákon č.369/1990 o obecnom zriadení [online]. [2016-12-18]. Available at: < <http://www.zakonypreludi.sk/zz/1990-369>>.

² Zákon č.222/1996 o organizácii miestnej štátnej správy [online]. [2016-12-18]. Available at: < <http://www.zakonypreludi.sk/zz/1990-369>>.

decentralization and the establishment of a greater number of units from 20 to 12. These proposals have been reported in the Hungarian parties that wanted to create units in the south of Slovakia where the Hungarian population was dominating. However, the critical position was the dominant subject of the ruling coalition of the Movement for a Democratic Slovakia. Arpád Matejka has just been appointed in the office by this movement and he reveals us the background of the final draft preparations. In the beginning, he admits that Trnava was not found in the initial proposals at all. However, as a Trnavian, he began to work for the inclusion of Trnava in this category of towns. Along with the historian Peter Horvath, he developed the alternative maps with the territorial allocation of the Trnava region. Unfortunately, this action has immediately met with resistance of other towns and it was very difficult to defend this procedure. The whole process he reviewed as follows:

' Košice, Prešov, Banská Bystrica, Žilina had a solid place, whereas Žilina was wheeled with Jan Slota. There was a silent struggle for the redistribution of the western part of Slovakia. Here, an ambition of Nitra was prevailing and Trenčín's interests have suddenly grown by being extruded by Mečiar. Bratislava has relied on the fact that no one would take away the status of the capital of Slovakia at least. In this layout, it was necessary to gain sympathy for Trnava.'

Unfortunately, these ambitions have encountered the resistance from Bratislava which decided to apply for the position of the county town at the last minute. In the established political practice; however, the informal talks with the Prime Minister Vladimír Mečiar were decisive. On top of this, Matejka adds that *'in the mutual negotiations between the four eyes, the Prime Minister expressed willingness to support this proposal on the condition that I get the support from the surrounding towns and I find agreements with the other selected regional cities.'* When negotiating with other cities, he immediately encountered hostility of the opposition leaders of Piešťany, who refused Trnava as the center of the region. Instead, they preferred connecting with Trenčín. They have also been some problematic agreements with Nitra and Bratislava in regard of borders dividing the region. In the last phase; however, it came to the following compromise before formulating the draft law. *'I managed to break the resistance of Piešťany, but had to give way Myjava in favor of Trenčín. My strategy was to define the range of Trnava in three states, so I managed to keep Gabčíkovo at the expense of expansion from Bratislava*

to *Báhoň Bratislava and Malacky. Nitra stole us again Šaľa.*” Ultimately; however, the proposed map has stabilized and it has been moved into final form for a vote. After approval of proposal, Trnava has officially become the county town since 1st September 1996 by which it has moved into the first category of towns in Slovakia.

As it turned out, this model arrangement has become crucial for definition of the self-governing regions in 2001. Again, the crucial role was played by political considerations because the ruling coalition led by Mikuláš Dzurinda presented to the Parliament twelve models of self-government units for approval. Within these models, the Trnava region was counted, but only in limited territorial form. In the end, the coalition Democratic Left Party and the Party of Civic Understanding with the opposition Movement for Democratic Slovakia and the Slovak National Party has engaged together in the Parliament vote, and they changed the government bill. The original model of eight regions was definitely applied.

CONCLUSION

In our article, on the basis of the analysis of the two set of assumptions we have tried to conclude whether the regional status of Trnava was a result of ongoing historical development or it was determined by the crucial decisions of politics. When focusing on the historical background of Trnava in terms of anchoring it as the place of regional entities, we concluded that the town was almost never in this position and does not create its own administrative region. The only exception was only a short period in the years 1854-1860, which; however, was only a transitional stage, which we analyzed in our article. Conversely, if we clarified the process of law making in 1996 and then in 2001, under which Trnava became a town of the regional character, we have definitely identified a clear political background of this decision. Promoting interests of a small group of people involved in the central governance could only be regarded as a decisive factor.

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THE REFORM OF PUBLIC ADMINISTRATION AND ITS SIGNIFICANCE IN THE PROCESS OF BUILDING THE REGIONAL SELF-GOVERNMENT IN SLOVAKIA

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Abstract

State, living standards as well as public administration are constantly evolving. Given this fact, it is necessary to respond to requests, corresponding to the changes, which are taking place within the society, through the process of reform in the public sector. The public administration of a modern state has certain qualitative features, in particular when it comes to management of the rule of law, which is based on the legislation and carrying out its functions, which are under statutory power and specified by procedural rules. It provides a broad institutional means of participation of citizens in administration process, whether in local, regional or central level. Even in our conditions, the reform of public administration is an important indicator in the determination of the public administration. The Slovak Republic is passing the reform process of its public administration from its formation. In this post, we will further analyse the most extensive reform of the public administration, that took place in Slovakia during the turn of the millennium, and its impact on the overall system of public administration.

Key words

public administration, reform, regional self-government, political system, Slovakia

INTRODUCTION

The public administration is in all its areas the dynamic element and an important indicator of a modern state. It disposes with certain

qualitative features, in particular when it comes to management of the rule of law, which is based on the legislation and carrying out its functions, which are under statutory power and specified by procedural rules. The development of the public administration in each country depends on the specific historical and cultural traditions of certain state. The current system of public administration, especially the regional administration of Slovakia has been strongly influenced by socio-political changes, which occurred in 1989, together with the establishment of the Slovak Republic. As a result of several decades of centralized system of governance, the territorial administration was initially implemented only at a lower level, i.e. villages and towns. The self-governing regions were not created until 2002. Škultéry is more or less critical when it comes to the current form of public administration of the Slovak Republic. He says that, “the current organizational structure of local public administration is complicated, administratively demanding, and does not correspond to modern requirements of an efficient and rational organization of public administration”¹. He also points on the example of the neighbouring Czech Republic, when he adds that the self-governing occurs only at the regional level, general local government authorities were abolished within the districts and there operate only some types of specialized local governments, which are subordinate to the competent central government authority. Slovak political representatives are aware of these words as well. The current Home Secretary Róbert Kaliňák repeatedly emphasized the need to reform the public administration and started the latest reform of local government, that gradually extends from 2012.

Historically, there has been done a large number of reforms in the public administration in Slovakia. In the next section, we will focus mainly on reforms in public administration, that took place after 1989 with emphasis on the reform that was concluded with the construction of regional self-government in Slovakia.

1 REFORM OF PUBLIC ADMINISTRATION IN THEORETICAL CONTEXT

The reform of public administration is based on a number of assumptions for its implementation, such as existing problems in public administration, the criteria and principles of constitution of the reform, substantive

and procedural correctness of the reform aims, tools and measures for implementing the reform and the ability to overcome the reform barriers. Kosorín states that these assumptions affect the pace, content as well as complexity of the reform¹.

When talking about reforms of public administration specifically, two connections are important in accordance to Kooiman. As he stresses, it is especially important to perceive that the administrative reform is concerning the administrative part of the government, the public sector, public administration and governance, thus the practices to fulfil the decisions of politicians. From this it follows that the administrative reform may indeed make political decisions better, however, it cannot reverse them. Although many times the fault is attributed to functionaries serving the public sector, it should be realized that only political decisions are responsible for shortage of public sector and poor public administration. Therefore, administrative reform cannot examine, control or replace the political, economic or institutional reforms. On the other side, political, economic and institutional reforms can rarely be successful without the reform of public administration. In developed democratic countries, the democratic leaders have a duty to seek better performance of the public administration, monitor the fulfilment of their requirements and use effective sanctions if they were not fulfilled. Moreover, they have to promote and reward public functionaries and supervise an administrative culture that encourages innovation, creativity and reform. It can be therefore concluded that the administrative reforms need the support of political leaders, because without the support of politicians, they cannot be successfully fulfilled.²

The public administration, like other spheres of political or social life, was internally reformed since its formation, because it is hard to imagine a structure operating in social environment without permanent changes. It is necessary to adapt to environmental changes and constantly emerging requirements. The development after the World War II in particular brought a boom of modern reforms of public administrations in developed countries. In the past, the administrative reforms were easier, their pace was slower. The society was less organized; thus, the administrative

¹ KOSORÍN, F.: *Verejná správa. (Konceptia, reformy, organizácia)*. Bratislava : Ekonóm, 2003.

² KOOIMAN J.: *Social-Political Governance: Overview, Reflections and Design*. In HODGES R. (eds.): *Governance and Public Sector*. Northampton : Edward Elgar Publications, 2006.

systems were easier to understand.¹ However, after some time the issues occurred in administrative reforms. Those were, for example, political apathy, unclear or inappropriate strategies, official or political corruption. Moreover, the distrust and dissatisfaction rose from the transferred reforms. Public also started to feel dissatisfied. All these negative aspects show that no reform can bring lasting satisfaction, and therefore it is a continuous, never-ending process. A great number of reforms of public administration may, however, also be a problem, because dealing with one problem will bring another problem. For example, the introduction of improved financial management may bring the need of updating the public administration, or the replacement of the legislation, that is old and insufficient for the new system. It is not possible to solve partial problems individually in the public administration. Public governance is a complex set of integrated operations. It is important to apply the potentiator access, otherwise there is a risk that the implementation of proposed solution will not bring an increase in performance. It may even lead to reduced effectivity and the loss of trust of the public. As stated by Kooiman, for the functioning of administrative reforms, it is important to change the administrative culture, because to fulfil the specific tasks created by reform processes, the change of functionaries is needed. They have to change their behaviour, their attitudes towards citizens as well as their responsibilities and habitual ways in which they operate. Administrative reforms are associated with abstract tasks, such as the role of the state, mobilizing social resources, the image of the public sector, the accessibility of public office, the performance criteria of public administration and recently increasing effort for the improvement of governance, particularly by improving partnerships of everyone involved in the management.² As is evident from the long experience of reforms of public administration, the main objective is to accomplish the general requirement to reduce bad habits of public administration. That may mean end up with all the malpractice and remove those functionaries that are not worthy of their function.³

¹ POMAHAČ, R., VIDLÁKOVÁ, O.: *Veřejná správa*. Praha : C. H. Beck, 2002.

² KOOIMAN J.: *Social-Political Governance: Overview, Reflections and Design*. In HODGES R. (eds.): *Governance and Public Sector*. Northampton : Edward Elgar Publications, 2006.

³ POMAHAČ, R., VIDLÁKOVÁ, O.: *Veřejná správa*. Praha : C. H. Beck, 2002.

Since the public administration is the most dynamic element of institutional and functional development of modern state, it always undergoes various innovations. Because of that, it is needed to distinguish between the reform and the modernization of public administration. The modernization largely consists of adapting the administration to new conditions of development in society, technology, or equipment of modern technological means. Administrative reforms may be understood as more complementary changes of public administration, whether territorial or operational administration, which include substantial changes to the quality of public administration.

2 REFORM PROCESSES IN PUBLIC ADMINISTRATION OF SLOVAKIA SINCE 1989 TILL THE CREATION OF A REGIONAL SELF- GOVERNMENT

One of the first reforms of public administration in Slovakia happened in the period after the fall of the communist regime. Besides the restoration of the villages establishment, there was a reform of local state government. The authorities of the local government became district offices, which operated in 38 districts, and small district offices, that operated in 121 sub districts.¹ The local authorities gained some responsibilities of national committees and district national committees in state government.

Another reform took place in 1996. This reform was important mostly for the later form of regional self-government. Direction of this reform has been closely linked with the overall development of Slovak society, which depended on the balance between the key political actors. Then government composed of HZDS, ZRS and SNS carried out changes in territorial and administrative division of the country by two laws. The first law was 221/1996 Z.z. about the territorial and administrative division of Slovakia. Based on this law, the country was divided into 79 districts and 8 regions as territorial units. The second brought a new organization of local state administration. It was the law 222/1996 Z.z. about the organization of local state administration; it constituted the power to district and regional offices, with the former sub districts and their offices being cancelled.²

¹ MESEŽNIKOV, G., NIŽŇANSKÝ, V.: *Reforma verejnej správy na Slovensku 1998-2002. SÚVISLOSTI, AKTÉRI, VOLBY*. Bratislava : IVO, 2002.

² BÚŠIK, J., BERČÍK, P., BERČÍKOVÁ, Z.: *Nová organizácia štátnej správy*

In 1998, new draft law about self-government of Higher Territorial Units (HTU) was presented to negotiate in NRSR by then government of Vladimír Mečiar. Whilst this proposal was passed in the second reading, it was properly criticised by the opposition parties, because the HUT that were to be created, would not have even the minimum of decision-making rights. This proposal was not discussed further, as the association authorities also opposed it. In their opinion, the proposal was in the contradiction with the European Charter of Local Self-Government, European Charter of Regional Self-Government and European Charter of Regional Planning.¹ Gradually, the topic of reforming public administration became a part of every political agenda of political parties before parliamentary elections in 1998. Then coalition parties promoted continuing in current lines with minor changes, but the opposition parties enforced fundamental changes in the system of public administration. Everyone was aware of the importance of resolving this issue. The basic deficiencies of public administration were: incomplete model of public administration and continuing centralism, inappropriate territorial and administrative organization, growth and inefficiency of costs, weak control system, imperfect form of legal system of deficiency in management of public administration.

3 THE FORMATION OF REGIONAL LEVEL OF LOCAL SELF-GOVERNMENT AS A RESULT OF THE REFORM OF PUBLIC ADMINISTRATION AT THE TURN OF THE MILLENIUM

The main aspect of the forthcoming reform of public administration was the creation of a regional level of self-government. The realization of decentralization of public administration and drafting regional self-government related were strongly influenced just after the parliamentary elections in 1998. Although the discussion on the establishment of a two-stage self-government was held from the establishment of independent Slovak Republic in 1993, the first step was taken just by the first government of Mikuláš Dzurinda². This period can be described as essential to building

v Slovenskej republike. Bratislava : Ministerstvo vnútra SR, sekcia verejnej správy, 2005.

¹ MESEŽNIKOV, G., NIŽŇANSKÝ, V.: *Reforma verejnej správy na Slovensku 1998-2002. SÚVISLOSTI, AKTÉRI, VOLBY*. Bratislava : IVO, 2002.

² From the parliamentary elections in 1998 emerged the first coalition of Mikuláš Dzurinda. This coalition consisted of the following political parties: SDK (Slovak

a regional level, as previously performed processes were more about deconcentrating of power within different levels of government. The new ruling coalition declared commitment to reform public administration as a precondition for economic and political stabilization of the state. This was largely related to Slovakia's accession to the European Union. Approval of the government program influenced the nature of adopted measures. They were mostly related to models of territorial-administrative structure, with government financial security, with the transfer of powers from government to self-government or by constituting regional government authorities. The result of the work of the government commissioner for reform of public administration¹ was the creation of a document – the Concept of decentralization and modernization of public administration. Decentralization proposal contained, for example, the decentralization of power, method and control of financing and changes in territorial and administrative arrangement. This proposal was submitted to NRSR and referred to “situation in the state (economic conditions, current territorial and administrative organization...), ratified international agreements (European Charters), as well as new facts that have arisen during the work, e.g. invitation to negotiations on the accession to the EU. In this context, it is needed to recall two decisive criteria of EU that had an impact on continuing of the reform of public administration. It was the principle of subsidiarity and competitive environment, as this criterion applies to the relationship between state and local authorities, which should be in the provision of services for residents and businesses able to compete within local authorities of the EU”². It is important to add that the creation of regional self-government has never been an explicit condition for Slovakia's entry into the EU. Politicians defended a revision of local self-government with the requirement of EU, which was mainly based on the creation of relevantly functioning land framework for spending pre-accession and structural funds.

Democratic Coalition), SDE (Slovak Democratic Left), SMK (Party of Hungarian Coalition) and SOP (Party of Civic Understanding). The ruling coalition had 93 mandates in the National Council, which represented a constitutional majority. Consequently, they could promote important social reforms. See: LEŠKA, D.: *Formovanie politického systému na Slovensku po roku 1989*. Bratislava : Infopress, 2011.

¹ The representative during the government of Mikuláš Dzurinda for the reform of public administration was Viktor Nižňanský.

² *Koncepcia decentralizácie a modernizácie verejnej správy*. [online]. [cit. 2017-01-10]. Available at: <http://www.komunal.eu/images/pdf/Koncepcia_NR_SR_2001.pdf>, p. 5.

A key and debatable point has been the structure of the spatial arrangement of the regional self-government. There even was a conflict of views between the coalition partners in this fundamental question. There ran a tense debate about the nature of regional authority from the regional level of self-government in the period between 1999-2002 and especially in the first half of 2001. In the document mentioned above, the most appropriate model was the one with twelve HTU¹, thus the modified variant of the county. Such division respected the criteria of regionalization and as far as possible accepted the boundaries of natural regions. In the opposition to this proposal, it was mostly the allocation for a small number of large regions² (model known as 3+1), consisting of eastern, western and central Slovakia and the capital city Bratislava.³ This alternative was not satisfactory, because it would support the centralizing tendencies, as it was argued by many experts. This would cause a polarization of interests in directing the funds only to the centre of the region and the dominant works would be only of conceptual and coordinating nature.⁴ We add, that this model did not gain support neither from the historical perspective in territorial and administrative division of Slovakia. A significant deficiency of this model was mainly the great distance of the centre from other parts of the territory.

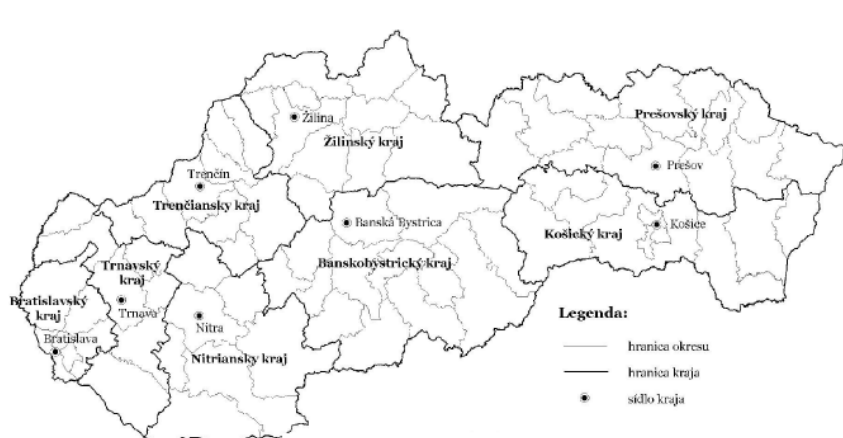
¹ This model involved regions of Bratislava, Trnava, Trenčín, Nitra, Žilina, Liptov-Orava-Turiec, Zvolen, Gemer-Novohrad, Spiš, Šariš, Zemplín and Košice. See: LÁŠTIC, E.: *Územná samospráva*. (učebný text) Bratislava : Univerzita Komenského v Bratislave, 2010.

² Various proposals were submitted in discussions during framing of regional self-government, such as one with 16 HTUs. This proposal should have reflected historical factors, natural conditions and modality of the region.

³ NIŽŇANSKÝ, V.: *Spoločenský, historický a európsky kontext reformy verejnej správy na Slovensku 1998-2002*. In MESEŽNIKOV, G., NIŽŇANSKÝ, V. (eds.): *Reforma verejnej správy na Slovensku 1998-2002. Súvislosti, aktéri, voľby*. Bratislava : IVO, 2002.

⁴ BILČÍK, V., VILÁGI, A.: *Fungovanie a koordinácia domácich inštitúcií SR v legislatívnom procese Európskej únie: stav, možnosti a odporúčania*. Bratislava : Výskumné centrum SFPa, 2007.

Picture 1: Government proposal territorial segmentation of the Slovak Republic to 12 higher territorial units



Source: BAČÍK, V., SLOBODA, D.: *Župný variant 2005. Návrh na zmenu územného členenia SR. (Mapová príloha)*. Bratislava : Konzervatívny inštitút M. R. Štefánika, 2005.

Former leaders of parliamentary opposition¹ criticised the proposal of territorial division of self-government regions. In their opinion, it weakened the territorial sovereignty of Slovakia. Counterproposal consisted of division into 8 regions and was supported also from members of the coalition, specifically from members of “Strana demokratickej ľavice” (Democratic Left Party).² By that, the government’s proposal was de facto rejected and alternative opposition’s proposal was approved³.

Finally, the self-governing system was in institutional terms completely built in 2001. It happened by adoption of law 302/2001 Z. z. on the self-

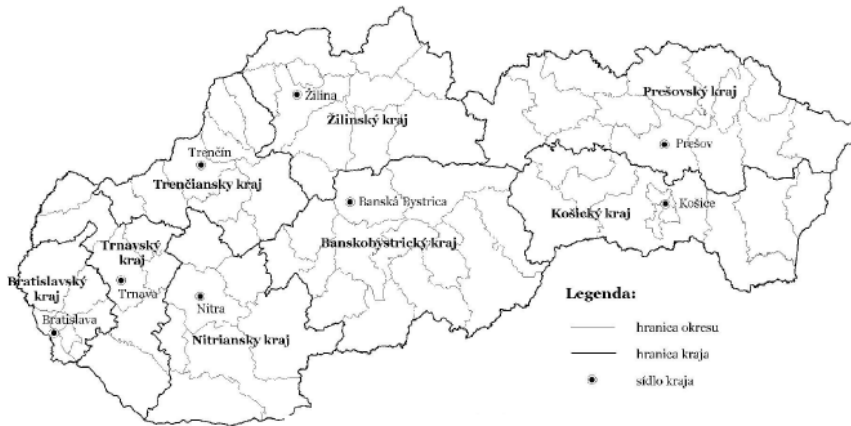
¹ Opposition was in this period formed by two political parties: HZDS (Movement for a Democratic Slovakia) and SNS (Slovak National Party).

² LÁŠTIC, E.: *Územná samospráva*. (učebný text) Bratislava : Univerzita Komenského v Bratislave, 2010.

³ The approval of opposition’s proposal did not just change the number of division from 12 to 8 HTUs. It also covered the modification of elections for chairmen of HTUs from a single stage to two staged election. Moreover, they added measures, that Slovak government may use to suspend the regulations from HTU government, if it considers incompatible with interests of other HTUs, municipal, or the national interests. See: LÁŠTIC, E.: *Územná samospráva*. (učebný text) Bratislava : Univerzita Komenského v Bratislave, 2010.

government of Higher Territorial Units.¹ The second level of local self-government within the boundaries of administrative regions came into being on 1. January 2002. It was called the Higher Territorial Units (HTU), or self-governing county.

Picture 2: *The current territorial segmentation of the regional self-government in Slovakia*



Source: BAČÍK, V., SLOBODA, D.: *Župný variant 2005. Návrh na zmenu územného členenia SR. (Mapová príloha)*. Bratislava : Konzervatívny inštitút M. R. Štefánika, 2005.

Higher Territorial Unit has gradually become important element of public administration. One of the most important aspects of properly functioning decentralized state is a representation of regional self-government by representatives, who are elected in democratic elections by citizens. These representatives are characterized by direct responsibility to citizens. It is also essential that local self-government manages wide area of public services, has competence to acquire and manage its own financial resources and has the ability to operate with the necessary properties. Higher Territorial Unit must play a key role especially in the area of regional development. This concerns not only the process of preparing national strategy of regional development of the Slovak Republic, but also the total utilization of the region in terms of natural, cultural, material

¹ MESEŽNIKOV, G., NIŽNANSKÝ, V.: *Reforma verejnej správy na Slovensku 1998-2002. SÚVISLOSTI, AKTÉRI, VOLBY*. Bratislava : IVO, 2002.

and human resources with the aim of creating sustainable development of the region.¹ It is therefore desirable to develop continuous activities aimed at improving management of regional development with the aim of achieving a prosperous unit for the benefit of the citizens.

The creation of the second level of regional self-government situated between local self-government represented by villages, towns or cities and government of the state as a whole was important not only in terms of Slovakia joining the EU. It was mainly important because of relatively heavily fragmented municipal structure². Due to this structure, smaller villages were unable to meet basic needs of their citizens. The regional self-government was created just for the purpose of meeting services, that are characterized by the character above local.

CONCLUSION

The Slovak Republic has undergone many political and social changes since 1989. Those were mainly the transition to democracy, the separation of power to horizontal and vertical levels, the transformation of economy and the strengthening of freedom for individuals. The society went through a complex reform. At that stage of construction of political system, it was needed to carry out reforms in other spheres as well. One of them was the area of public administration. However, government leaders did not give enough importance to this area. With hindsight, several experts, whether national or foreign, evaluate that “the development of reform of public administration between 1989-2002 was in Slovakia a missed opportunity”.³ Not only political elite failed in this area, but also many experts active

¹ KRŇÁČ, J., KOŽIAK, R., LIPTÁKOVÁ, K.: *Verejná správa a regionálny rozvoj*. Banská Bystrica : Univerzita Mateja Bela, Ekonomická fakulta, 2008.

² Currently, there are 2933 municipalities. In average, those are in terms of population size mostly small villages, as their average size is around 1870 inhabitants per village. Slovakia ranks among countries with large number of smaller villages, since about half of them (40%) are municipalities with a population size less than 500 inhabitants. See: SWIANIEWICZ, P.: *Veľkosť miestnej samosprávy a efektívnosť poskytovania miestnych služieb – medzinárodný kontext a teoretické pozadie*. In: Swianiewicz, P. a kol.: *Konsolidácia alebo fragmentácia? Veľkosť miestnych samospráv v Strednej a Východnej Európe*. Bratislava: M.E.S.A. 10, 2003.

³ NIŽŇANSKÝ, V.: *Spoločenský, historický a európsky kontext reformy verejnej správy na Slovensku 1998-2002*. In MESEŽNIKOV, G., NIŽŇANSKÝ, V. (eds.): *Reforma verejnej správy na Slovensku 1998-2002. Súvislosti, aktéri, voľby*. Bratislava : IVO, 2002, p. 15.

in public administration as well as officials working at various levels of government. Insufficiency in the management of public administration, along with the situation in other European countries urged the political leaders of Slovakia to take steps in reforming the public administration, which would bring the administration of public government closer to citizens. The result of the reform of public administration in this period was the formation of second degree local self-governments, following the example of surrounding countries in middle Europe.

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NEW METHODS OF MANAGEMENT IN THE SLOVAK PUBLIC ADMINISTRATION

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Abstract

Political and economic transformation plays world-wide a key role in forming and running business and public sectors. Institutions and bodies as decision makers in public administration are important actors in managing public affairs. The paper aims at public administration institutions from the point of view of management focusing on the concept of New Public Management. Manageable task of quality enhancement in a specific area of public administration and its implementation in practice are presented in the paper.

Key words

Management, managerial conception, Slovak public administration, new public management.

INTRODUCTION

The year 1989 was a year of transition of power and a lot of changes were made in the field of Slovak society and economy and the changes were reflected in Slovak administration as well. In 1991 some competences of the central government were shifted to the municipal self-government. Such a transformation has resulted in changes of views of municipal management and administration. Municipal self-government is responsible for making decisions and for managing and administering municipal affairs. At the same time it is responsible for setting up goals in development and controlling and achieving the goals. The Slovak central government with its administration and other institutions having transformed power and competences, are responsible for defending the public interest. When competences were transformed municipalities

needed to be responsible for management, for new ways of managing themselves. It is important to point that the applying of the theory of management has not been easy because the new theory has been taken as a worry about organization commercialization.¹ According to the authors² the word „management“ is of English origin and is used in many other languages in its English original form, in the Slovak language it has an equivalent „riadenie“. In other languages and also in the Slovak language the English word “management” represents a new word and is transformed into the languages in its pronounced form. The authors^{3;4} 2013 mean that the Slovak notion “riadenie” (control) means also to control a company from an economic point of view. The notion “management” means also to be responsible, to build up a responsibility and employ all parties participating in efficient activities.

In 1994 P. F. Drucker defined the concept of management as an art although the meaning in the Japanese language is to know how to search for and place the right people in the right positions, and it also means to be able to communicate and motivate. The authors⁵ define management as an art and link the notion to the management having in the Japanese-language the meaning of addressing employees as humans as pragmatic, social, moral, aesthetic and emotional personality. Currently the results of practice prove, that managing people and business is really a science and an art. The practical concept of management is perceived as a process comprising managers’ activities to achieve the companies’ goals. According to many authors⁵ the process of management consists of planning, organizing, leading, controlling.

¹ Lukáč, M.: *Vplyv marketingu na návštevnosť hradných múzeí*. Trnava: Univerzita sv. Cyrila a Metoda v Trnave, 2013, 153 p.

² Hadvabný, M., Korimová, J., Buleca, J., Červená, K.: *Ekonomika a management prednášky*. Košice: UVLF, 2014, 184 s.

³ Machová, R., Mura, L.: *Zhodnotenie organizačnej kultúry a znalostného manažmentu vo verejnej správe v kontexte odborného rastu zamestnancov*. Brno, Tribun EU, 2015, 127 p.

⁴ Bencsik, A., Machová R., Tóbiás Kosár, Sz.: *Znalostný manažment v praxi: Metódy a postupy na príkladoch z praxe*. Brno : Tribun EU, 2013. 132 p.

⁵ Šimo, D., Mura, L.: *Manažment organizácií*. Bratislava: Wolters Kluwer, 2015. 263 p.

MATERIAL AND METHODS

The paper focuses at public administration bodies from the point of view of manager's activities and presents some manageable concepts of management while pointing out quality management in public administration and its employment in real day-to-day practice. All necessary data, resources and results gained in an empiric research that forms a part of the author's doctoral dissertation, needed to be gathered. Secondary sources for the paper are scientific papers, papers published in conference proceedings, specific books and scientific publications. The methodology applied starts with setting up goals, gathering terms of reference-based materials, describing current trends in the given field and defining logical methods of induction, deduction, analysis and synthesis. The paper offers some conclusions.

RESULTS

Public administration operates on principles of needs recognized by the public, it does not operate on principles of market economy. Public administration bodies and workers are not motivated to make profit although some of the services offered by public administration are not free of charge. The price of services often does not cover the costs spent on the service, for example social services, health care, transport. Absenting market economy often results in a lack of stimuli and decreased costs on improving effectiveness. The indicators such as making profit and profitability and also motivation and performance of managers and employees affiliated with the system of remuneration, sanctions have a small impact on managers⁷. Another factors having impact on public administration management are of political origin such as political parties, interest-oriented groups and also decisions of voters, citizens, lobbying. As stated by ¹ public administration management is influenced by following areas:

- External environment,
- Internal environment,
- Manageability of goals and tasks,
- Emmpowferment of making decisions,
- Stimulation and motivation by management.

¹ Kosorín, F.: *Teória a prax verejnej správy*. Bratislava: Ekonóm, 2003, 231 p.

Roles of public administration management are politically oriented and citizens, interest-oriented groups, businesspersons often intervene in playing the roles. As it is mentioned above the changes in society and economy in many countries have triggered reforms in public administration. The reforms are aimed at rational and more effective control and management. A concept of New Public Management is being created and is based on modern managerial methods employed in and adopted from a private sector. The methods include making changes in bureaucratic management in public administration when existing rules are changed by means of innovating needs of the public and employing market principles and elements applied in every political or state establishment. The basic idea of the concept is directed towards the output with regard to effectiveness and quality. The concept is aimed at offering and supplying public services. Implementing new methods of management into public administration is linked to introducing market principles into administration while the needs for ethical behaviour of representatives and employees of public administration are to be met. The basic change lies in an open and friendly attitude towards citizens – the clients in public administration. The concept of New Public Management consists of several diverse tools that do not need to be implemented in administration bodies at the same time. Reforms brought by the concept may have diverse goals and every government preparing a new reform has to set up clear goals that are to be achieved via the reforms. As it is stated by Ormond and Loeffler (1998) main tools of New Public Management are:

- Competence transfer,
- Budgeting,
- Personnel Management,
- Mechanisms of a market type,
- Controlling.

Each tool may be implemented into public administration bodies individually on the basis of a management decision and success of the implementation depends on following issues:

- The project on implementing the principles of NPM must be supported by the management of the organization so that changes in the policy of public bodies may be adapted;
- Employees working for public administration bodies need to understand the new method and need to accept the changes brought

by the concept of NPM otherwise the changes are not successfully implemented also at the lowest level;

- The corporation culture need to lead and instruct people that some criticism is useful and they are not threatened by it;
- A project management with a divided responsibility and a detailed action plan must be designed;

Goals of improvement and operation of bodies need to be managed in a way so that useful and profitable changes are seen and detected by clients and also by employees.

It can be seen that a relatively simple NPM deserves proper tools that are effective in operation of a real body or organization. Running NPM properly is conditioned by the level of ethical standards for employees in public administration. Via NPM public administration workers need to be professionals performing their tasks in an adequate time and supplying cheap services. According to ¹ public administration workers need to have a complete and adequate education and qualifications, need to be professionals and their ethical behaviour is emphasized.

From the point of view of practical application the concept of NPM would be the most precise concept. In nineties of 20th century some criticism started to grow and according to ² new concepts of public management appeared:

- Concept of a new public service,
- Concept of a complex quality,
- Concept of a good governance,
- Concept of a strategic management.

The concept of NPM is a performance-based concept aiming at market, power delegation and making managerial decisions not at issuing orders. Reforms implemented in many countries differ from each other, citizens became clients and are supplied with services. The concept application deserves corporation culture with a high ethical level. Currently there are some attempts to find an ideal tool for effective management or managerial tools to be implemented to initiate an active participation of citizens,

¹ Lincényi, M., Fabuš, M., Jankacká, K.: Mass media and the definition of public service society in the early 21st century. In: *The role of media in normalizing relations in the Western Balkans*. Novi Sad: Faculty of Philosophy, 2013, p. 89 – 97.

² Čapošová, E.: *Využitie metód manažérstva kvality v organizáciách verejnej správy*. Dissertation doctoral thesis, 2016, 203 p.

politicians and public administration workers who are responsible for service supply while meeting the standards and directives ¹. The issue of implementing the system of quality management in the Slovak public administration especially in self-government ² is linked to the period when Slovakia accessed the European Union after a prerequisite to implement the document “European policy on quality promotion” in 1994 was fulfilled. The document was ratified by the Council of Ministers of the EU. After 1990 it was obvious that current system of Slovak public administration does not meet the modern European standards anymore and thus Slovak public administration needs to go through many reforms. All the reforms have been aimed at enhancing effectiveness, profitability, and improving the quality of services supplied to citizens and effective communication with citizens.

In public sector there are some methods that have been adopted from the private sector and methods that are developed especially for public administration use. Managerial reforms that are implemented in the Slovak public administration are a very difficult task to be carried out. Implementing new concepts is based on the experience gained in the process and adopting it to the needs of the country.

CONCLUSION

Applying new concepts of management is conditioned by current trends not only in the theory but also in the managers’ practice. Political and economic changes bring an urgent need of having new points of view and a need of applying latest managerial concepts in businesses and in public sector as well. Due to this reason our paper investigates bodies and organizations in the Slovak public administration from the point of view of managerial concepts. The paper aims at presenting and discussing concepts of management emphasizing the quality management in public administration and options of its implementation in day-to-day practice. A prerequisite in an effective operation of public administration is supplying citizens as public administration clients with services at a qualitative

¹ Hušek, Z., Šusta, M., Půček, M.: *Aplikace metody Balanced Scorecard (BSC) ve veřejném sektoru: výstup z projektu podpory jakosti č. 12/29/2006*. Praha: Národní informační středisko pro podporu jakosti, 2006. 143 s. Národní politika podpory jakosti.

² Andrejovská, A., Buleca, J.: *Majetok obcí a jeho využívanie v Slovenskej republike*. In: *Aplikácia matematických metód v regionálnom rozvoji*. Nitra: UKF, 2012, p. 4 – 9.

level. Quality enhancement is a requirement based on a new paradigm in perceiving rights and duties by citizens in a community. Supplying complex and qualitative public services by public administration is a new role that public administration is expected to play and citizens as clients evaluate their satisfaction with the activities of public administration.

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- MACHOVÁ, R., MURA, L.: *Zhodnotenie organizačnej kultúry a znalostného manažmentu vo verejnej správe v kontexte odborného rastu zamestnancov*. Brno, Tribun EU, 2015, 127 p.
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ATTITUDE OF SMALL MUNICIPALITIES IN SLOVAKIA TO REQUESTS FOR INFORMATION DISCLOSURE

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Abstract

The right for information is one of the fundamental political rights, and one of principal attributes of the rule of law. In Slovak Republic it is guaranteed by the Constitution of the Slovak Republic and further regulated by the act no. 211/2000 Coll. on free access to information, effective as of 2001. That way public authorities must disclose all the available information to applicants, except of those that have to be protected in the public interest, and those that are expressly excluded from the disclosure by the law. Information thus obtained allow the public to form an opinion on the actions of public officials, on the activities of public authorities, or the general state of society. Despite the relatively long period this Act has been in force, there have been reported misconducts of small municipalities at complying with the law. This post initially aims attention to theoretical knowledge about information disclosure upon the request of the authorized parties and also addresses the situation of small municipalities in Slovakia. Subsequently, based on our research, gathers practical experience with the attitude of small municipalities to the information disclosure on request.

Key words

information, law, act, municipality, request

INTRODUCTION

As of January the 1st 2001, the Act No. 211/2000 Coll. on the Free Access to information (hereinafter referred to as “Act on Free Access to Information”), governing the right of access to information available to all people without distinction came into force. With the adoption of this

act, the principle of secrecy of public administration has finally ceased to apply. Despite many years of the existence of this act, disclosure of information is not part of the public bodies' standard practice. Many times they do not disclose the information requested or they multiply complain for being unnecessarily burdened with applications and thus cannot completely devote to the public administration. It requires more open access to citizens and the satisfaction of matching them as it is in the private sector.¹ Within the Slovak Republic, the greatest problem was found in case of small local municipalities (small villages) that for various reasons do not comply with their statutory obligations and ignore requests for disclosure of information of Applicants.

1 DEFINITION OF THE TERM INFORMATION

The basic concept of the act on free access to information, is the concept of "information". The term *informatio*, respectively *informare* means "give something a form", "make familiar" to "lecture" is of Latin origin², which in itself indicates the longevity of the denomination. Originally the act itself did not contain a precise definition of this term, and only after amendment no. 341/2012 of 2012, adopted in order to transpose EU Directive 2003/98 / EC of 17 November 2003, its statutory definition has been introduced. Information is in terms of the provision of § 21b section 2 of the act on free access to information "*any content or part of it, particularly the recorded contents of a document, records stored electronically, in the form of an audio recording, audiovisual recording or audiovisual work, in whatever form recorded on any medium*", while the law expressly states that a computer program is not an information. Information as a innovations have change in management, organisation.³

In the scientific Central European literature, we can find several definitions of "information". According to the two most widely used interpretations of the information, it means "*any notification that broadens the knowledge of the receiving party*"⁴ or "*any energy or material manifestation that may*

¹ LUKÁČ, P.: Efektívnej riadenie ľudských zdrojov v štátnej správe. In: Slovak Journal of Public Policy and Public Administration. Vol. 3 No 1/2016, pp.56-77.

² POUR, J., GÁLA, L., ŠEDIVÁ, Z.: *Podniková informatika*. Praha : Grada Publishing, 2009, p. 22.

³ MELAS, V.: Význam inovácií v 21. storočí. In: Slovak Journal of Public Policy and Public Administration. Vol. 3 No 1/2016, pp.78-88.

⁴ MADAR, Z. a kol.: *Slovník českého práva*. Zv. 1. Praha: Linde, 1995, p. 336 .

make sense either to those who communicate it, or for those who receive the report.”¹ The Slovak judicial practice, however, often presents definition of “information”, according to which it is “messages, data, and lessons that natural person or legal entity transfers to another natural person or legal entity to whom it was not previously known.”²

The information in accordance with the act on free access to information are “facts” or “data”, and the term “facts” may be referred to the information contained in the documents and the term “data”, on the other hand, the information contained in various computer databases or registries. Information, within the meaning of the Act, can also be a “document” or “record”. Under the Act it’s also obvious that information can also be video or audio recording, as well as visual image.³

2 MANDATORY DISCLOSURE AND DISCLOSURE ON REQUEST

Act on Free Access to Information is based on the basic principle of “what is not secret, is public” and therefore all required information must be disclosed, however except of those that are excluded from disclosure by the law.⁴

According to this Act, Obligees have the obligation to disclose information. Those are institutions, organizations, and in some cases individuals that exercise public administration, decide on the rights and obligations of citizens, manage public funds or operate in the public interest. Act on Free Access to Information specifically defines the categories of entities required to disclose information in § 2. The majority of Obligees is fully obliged to information disclosure which means that the range of information that must be provided is all the information at their disposal or that ought to be at their disposal. However, the Act also refers to the Obligees who disclose information only to a limited extent.

¹ MATES, P., MATOUŠKOVÁ, M.: *Evidence, informace, systémy – právní úprava*. Praha: Codex Bohemia, 1997, p. 27.

² See e.g. decision of the Supreme Court of the Slovak Republic dated 27/05/2009, file number 2Sžo190/2008

³ WILFLING, P.: *Zákon o slobodnom prístupe k informáciám. Komentár, problémy z praxe, rozhodnutia súdov*. Bratislava: VIA IURIS, 2012, p. 18.

⁴ WILFLING, P., BABIAKOVÁ, K.: *Právo na informácie. Výklad k zákonu o slobodnom prístupe k informáciám, problémy z praxe, rozhodnutia súdov*. Bratislava: Občan a demokracia, 2006, p. 15.

The constitution of the Slovak republic as well as the Act on Free Access to Information show that everybody has the right to information, which means that this right belong to all natural and legal persons (entitled parties). This is not only for Slovak citizens, but also for foreign nationals.

Act on Free Access to Information recognizes two ways of information disclosure. The first way is so called Mandatory disclosure of information (active disclosure), when the Obligee must disclose information without having to be previously asked to do so by anyone and the other way is to disclose information at the request of applicants. Due to the content focus of this post, we will discuss only the disclosure of information on request.

The application for information disclosure may be made not only in writing (letter), verbally, by fax, electronic mail (e-mail), but also in other ways that are technically feasible for the Obligee (eg. telephone)¹. Provision of § 19 section. 2 of the Act on Administrative Procedure set out that every motion (including applications) must be assessed by the Obligee not by its designation, respectively the name, but by its contents. Infoact expressly stipulates that the application must clearly state to what Obligee the complaint is addressed, must contain the applicant's identification data as well it must be clear what information it concerns and also what way of disclosure the applicant proposes.²

The application for information disclosure under Act on Free Access to Information is deemed to be filed on the day it was announced to the Obligee competent to hear the case.³ Therefore It is not the day when the application was sent, but it's the day when the application was delivered to the Obligee. If the Obligee asked for information disclosure by the applicant does not have the information, but he knows where the required information could be obtained, he delegates the application to the Obligee who disposes with the required information. If he doesn't know, he refuses the application for information disclosure by a written decision on the ground that the requested information is not available. The decision must also state that the Obligee does not know where to obtain the required information.⁴

Information may be disclosed mainly verbally, by inspection of the file, including the possibility to make extracts or copies on a data carrier,

¹ See provision of § 14 sect. 1 of the Act no. 211/2000 Col.

² See provision of § 14 sect. 2 of the Act no. 211/2000 Col.

³ See provision of § 14 sect. 3 of the Act no. 211/2000 Col.

⁴ See provision of § 15 of the Act no. 211/2000 Col.

providing access to copies of originals containing required information, telephone, fax, mail or e-mail.¹

Application for information disclosure must be dealt with without delay, within 8 working days as of the application at the latest. Dealing with the Application is either disclosing the requested information or issuing a written decision on the non-disclosure of information. For dealing with applications of blind persons for information disclosure in the seeing eye (i.e. Braille) scripture, the time period extends to 15 working days. The information that is simple and its completion is not time consuming, must be disclosed without delay. For serious and particular reasons, the Obligee can extend the time period to respond by maximum of eight working days.²

3 SMALL MUNICIPALITIES AND THEIR ROLE IN THE RESIDENTIAL STRUCTURE SLOVAK REPUBLIC

In terms of the Constitution and other legislation, municipality is generally considered the basis for local governments, which brings together persons having their permanent residence, and performs its independent (the original) and transferred activity.

The present residential structure in Slovakia, consisting of 2890 municipalities, of which only 140 are towns, is characterized by severe fragmentation and the high proportion of so-called small municipalities. Under the term small municipality is generally understood a municipality that achieves small population. Several Slovakian theorists generally agree in specification of this definition on population of less than 1000.³ But there is also opinion that a for a small municipality can be considered a municipality with a population of less than 500.⁴ We agree with the first group of authors and their definition of a small municipality, we rely on their understanding of relevant issues.

¹ See provision of § 16sect. 1 of the Act no. 211/2000 Col.

² See provision of § 18 of the Act no. 211/2000 Col.

³ See e. g. TICHÝ, D.: Zdrúžovanie obcí ako predpoklad rýchlejšieho rozvoja samospráv a regiónov. In: *Ekonomický časopis*. 2005, Vol. 53, No. 4, p. 364 – 382; ČAVOJEC, J., SLOBODA, D.: *Fiškálna decentralizácia a obce*. [online]. [cit. 2016-10.05]. Available at: <http://www.konzervativizmus.sk/upload/pdf/fisk_dec.pdf>.

⁴ See e.g. LABUNOVÁ, A., LOVACKÁ, S.: Budúcnosť malých obcí na východnom Slovensku. In: *Geografická revue*. 2008, Vol. 4, No. 2, pp. 214-226.

Current status of residential structure in Slovakia has its origin in the past. The period of communist government, when the processes of centralization, concentration and directive management dominated in the society, were also reflected in a change in the structure of the municipalities in Slovakia, in particular as to the number of administrative units. During this period, processes of integration of municipalities dominated as part of the changes in the residential structure of the country. While in 1950 there were 3.344 municipalities in Slovakia altogether, at the end of the previous regime in 1989, the figure fell to 2.694, which was the lowest status of the number of municipalities in Slovakia in recent history. During the era of socialism dated years 1950 – 1989, the number of municipalities was thus reduced by almost 20%. Directive and often literally violent process of merging municipalities was most intense in the 70s of the 20th century, when the number of municipalities decreased by 366. Of the various types of integration, the processes of merging municipalities in the sub-urban areas to towns and merging two rural municipalities particularly prevailed. Locally, these processes took place mainly in central and western Slovakia. Only 31 out of nearly 800 administrative changes made at that time meant the demise of the municipality. Most of the merged municipalities never lost their identity and existed in the form of the part of a municipality, which was confirmed immediately after the fall of communism.¹

After the revolution in 1989, extensive changes began in the territory of Slovakia and within the residential structure, original status was restituted. In early 90s, the processes of disintegration of communities were most significant.²

As Nižňanský et al. report, In the period 1989 – 2000, 283 territorial changes took place in Slovakia, of which 250 were disintegrational and 33 integrational. The largest number of municipalities was created by separating from other rural municipalities (132), by spin-offs of the municipalities from towns, 95 municipalities originated. Within the integration, the most realized was the affiliation of rural municipalities to another rural municipality (26).³

¹ SLOBODA, D.: *Charakter sídelnej štruktúry Slovenska ako predpoklad pre komunálnu reformu*. [online]. [cit. 2016.10.05]. Available at: http://www.konzervativizmus.sk/upload/prezentacie/Sloboda_komreforma.pdf

² SLOBODA, D.: *Charakter sídelnej štruktúry Slovenska ako predpoklad pre komunálnu reformu*. [online]. [cit. 2016.10.05]. Available at: http://www.konzervativizmus.sk/upload/prezentacie/Sloboda_komreforma.pdf

³ NIŽŇANSKÝ, V. et al.: *Zlučovanie a spolupráca obcí*. [online]. [cit.

According to Sloboda, the process of disintegration of municipalities has to be understood in its historical context as an expression of local democracy directly following the preceding period of oppression. It is also confirmation of the fact that despite the merger, municipalities have not lost their identity.¹

The establishment and dissolution of municipalities was significantly limited by amendment to Act no. 453/2001 Coll. on Municipal establishment, which sets the terms of establishing of a new municipality. One of them was the minimum size of the new municipalities (3.000 inhabitants).

According to the last census in 2011, there were 2.890 municipalities in Slovakia, and 138 of them had the status of town. As of January the 1st 2016 the, the municipalities Turany in the district of Martin and Gabčíkovo and in the district of Dunajská Streda were added to the towns.²

The largest share in the residential structure in Slovakia still have rural municipalities, up to 5,000 inhabitants, they make up 95,4% of the total number of municipalities in our territory. According to the census, most municipalities belonged to one of these two size categories - municipalities with a population of 500-999 (772 municipalities) and municipalities with a population of 200-499 (761 municipalities). Together with municipalities in the first size category to 199 inhabitants (383 municipalities), in Slovakia there are 1.916 municipalities with fewer than 1,000 inhabitants, which represents 66.2% of the total of 2.890 municipalities.³

According to Sloboda, small municipalities are concentrated in two main areas, namely the south of central Slovakia (Southern Slovakia and Rožňava Basin) and in north-eastern Slovakia.⁴ Klimovský states that those are the most fragmented and the least developed regions where there

2016.10.05]. Available at: http://www.komunal.eu/images/Zlu%C4%8Dovanie_a_spolupr%C3%A1ca_obc%C3%AD.pdf

¹ SLOBODA, D.: *Charakter sídelnej štruktúry Slovenska ako predpoklad pre komunálnu reformu*. [online]. [cit. 2016.10.05]. Available at: http://www.konzervativizmus.sk/upload/prezentacie/Sloboda_komreforma.pdf

² SITA: Gabčíkovo a Turany by mali byť od nového roka mestami. In *Sme* [online]. [cit. 2016.10.05]. Available at: <http://domov.sme.sk/c/8044421/gabcikovo-a-turany-by-mali-byt-od-noveho-roka-mestami.html>

³ Sčítanie obyvateľov, domov a bytov 2011. [online]. [2016-10-05]. Available at: <https://census2011.statistics.sk/tabulky.html>

⁴ SLOBODA, D.: *Charakter sídelnej štruktúry Slovenska ako predpoklad pre komunálnu reformu*. [online]. [cit. 2016.10.05]. Available at: http://www.konzervativizmus.sk/upload/prezentacie/Sloboda_komreforma.pdf

is the highest number of municipalities with a population not exceeding the limit of 250 inhabitants. Most of the municipalities in this size category are located in the remote areas with marginal economic and society-wide significance.¹

In case of the first territory of the concentration of small municipalities, it is a continuous territory of the municipalities of the Veľký Krtíš through Lučenec, Rimavská Sobota, Revúca to Rožňava, which, unlike the municipalities in the area of north-eastern Slovakia, have better locational potential that in long time was not and is not used and developed, what is reflected in the demographic decline of the territory. Rural municipalities with population of less than 1,000 represent 88.8% of all residences in this area.²

The other area of concentration of small municipalities is bounded continuous strip of land, which stretches from the district of Bardejov across Svidník, Stropkov, Medzilaborce, Humenné, Snina to Sobrance. The border area has long been influenced by the functioning of national borders as barriers and also lack of influence of metropolitan agglomerations of European significance, which is reflected in the demographic potential. The share of rural municipalities with populations of less than 1000 is represents 92.5% in this area and in the districts of Stropkov and Medzilaborce even up to 100%.³

With the execution of self-government of small municipalities, number of problems that affect many spheres of life of their inhabitants is linked. According to Zarska, the weaknesses of small municipalities in particular are demographic structure, low transport accessibility and civic amenities, low financial capacity of municipalities and limited administrative capacity.⁴

¹ KLIMOVSKÝ, D.: O možných riešeniach fragmentovanej lokálnej sídelnej štruktúry. In *Acta Politologica*, 2009, Vol. 1, No. 2, pp. 198-199.

² SLOBODA, D.: *Charakter sídelnej štruktúry Slovenska ako predpoklad pre komunálnu reformu*. [online]. [cit. 2016.10.05]. Available at: http://www.konzervativizmus.sk/upload/prezentacie/Sloboda_komreforma.pdf

³ SLOBODA, D.: *Charakter sídelnej štruktúry Slovenska ako predpoklad pre komunálnu reformu*. [online]. [cit. 2016.10.05]. Available at: http://www.konzervativizmus.sk/upload/prezentacie/Sloboda_komreforma.pdf

⁴ ŽÁRSKA, E.: Bariéry a šance rozvoja malých obcí. In: *Acta regionalia et environmentalica* 1, 2006, 3, Vol. 1, pp. 8-12

4 THE ATTITUDE OF SMALL MUNICIPALITIES IN SLOVAKIA TO APPLICATIONS TO DISCLOSE INFORMATION - RESEARCH

The subject matter of the attitude of small municipalities to applications to disclose information is from the very beginning of the effectiveness of the act on the free access to information the most discussed topic with predominantly negative connotation. Therefore it is not surprising that despite many years of existence of the act on the free access to information, disclosure of information is not part of the statutory bodies' standard practice. Several researches show that especially in case of small local governments, non-disclosure of the requested information for disclosure of which there is legal right¹ happens from various reasons, or Obligees multiply complaint that they are unnecessarily burdened with applications and can not devote to the administration of public affairs². The whole situation has already been submitted to the Association of Towns and Municipalities - professional organization Slovakian self- governments—that initiated public debate for editing of the text of the act on free access to information for the benefit of these Obligees.

The actual survey of experience with the attitude of small municipalities to disclosure of information is still important as it allows not only enables to assess compliance with the law itself, but also to evaluate the development of the relationship of the particular government to the citizens. Also on their basis they may be encouraged to define the challenges that small communities are coping.

Within our small research we have interviewed 14 Slovak municipalities - small villages below 1000 inhabitants located in the areas with the highest concentration of such residences in the Slovak Republic - to the south of central Slovakia and north-eastern Slovakia. We approached them with a request for disclosure of information pursuant to Act no. 211/2000 Coll. on free access to information. In the application, we requested electronically disclose the following information:

- What is the number of applications for information disclosure you

¹ See e.g. KUHN, I., DOTSTÁL, O – SLOBODA, D.: *Prístup samospráv k žiadostiam o sprístupnenie informácií*. Bratislava : Konzervatívny inštitút M. R. Štefánika, 2013, 33 p.

² PIŠKO, M.: Mestá a obce sa sťažujú na zneužívanie infozákona. Mnohé ho samy porušujú. In *Sme* [online]. [cit. 2016.10.05]. Available at: <http://domov.sme.sk/c/6898105/mesta-a-obce-sa-stazuju-na-zneuzivanie-infozakona-mnohe-ho-samy-porusuju.html>

- register separately for the years 2013, 2014 and 2015?
- What is the most common subject matter (content) of the application for information disclosure for 2013, 2014 and 2015?
- Do you have prepared a document that specifically regulates information disclosure on self-government, upon request in accordance with act no. 211/2000 Coll.? If yes - what is his name, and when it was adopted?
- What number of employees (in addition to the mayor of the municipality) is working with the municipal office?

By the same electronic form, we asked selected governments to answer the set questions. Thus formulated requests were sent on 10.10.2016 to the following randomly selected municipalities (population we present existing on 31.12.2015 in brackets): Lesenice (522) Lipovany (256), Malý Krtíš (532) Opatovská Nová Ves (689) Panické Dravce (744) Ratka (307) Sklabiná (886) Bukovce (534) Gribov (200) Habura (504) Chotča (608) Kapišová (423) Ňagov (427) Stročín (564) . The collection of data was closed on October 19th 2016, with the end of the statutory deadline for disclosure. The dealing with the requests and the actual data received from various governments were our output data, which we subsequently analysed and interpreted.

One of our main goals was to analyse the data collection process via applications for information disclosure. Given the available information on adverse attitude of small municipalities to disclosure of information, we expected that in this area there may be some problems. This was also confirmed.

The Act on Free Access to Information envisages to reply to application to disclose information within 8 working days, for complex applications up to 16 working days with notifying the applicant of the extension. Applications sent as part of our research were only responded only to the extent of 57.14%. It was thus found that a part of addressed municipalities (Gribov, Habura, kapišová, Lipovany, Panické Dravce, Sklabiná) without any reason did not at all react to the filed application to disclose information. There were also municipalities (Bukovce, Chotča, Lesenice, Malý Krtíš, Ňagov, Opatovská Nová Ves, Ratka, Stročín) that without any problems disclosed the information, which can be considered as good practice in the public sector and a major shift from the past when several governments for various reasons either did not reply or refused to disclose the requested information.

The main criterion for us to consider the response of Obligees a good practice in public administration, was complete and visual clarity of answers, we concurrently evaluated the very way of disclosing the information. In all the responses we have received from local governments, we have not find weaknesses that would preventus by their form from disclosure, respectively. the disclosure of which would be accompanied by a lack of transparency or nullity of the text of answers.

Most municipalities answered the required questions directly to the relevant e-mail, but there were also municipalities that responded by a separate letter, attached to the e-mail (Bukovce, Opatovská Nová Ves, Ratka). Some local governments even disclosed the information on the official document, which was sealed with an official stamp and signed by competent employee, sometimes the actual main representative of the government (Opatovská Nová Ves, Ratka).

We asked the local governments to disclose the information electronically, in the same form we wanted them to react. It is this way of communication is generally considered to be the most effective, since it speeds up the flow of information and in case of proper use simplifies the work of local government officials. In case of electronic communications in addition we consider a more user-friendly if instead of sending e-mail attachments with a large capacity, hyperlinks to documents that are directly published on the Web sites of individual governments. Is important that new form gives new possibility for information and on this is necessary to improve education. A new change how to education a how to get a job join two attributes flexibility and security.¹

The second of our goals was to analyses and evaluate the information we had received. The first question we asked small municipalities, we wanted to find out the number of applications for information disclosure in 2013, 2014 and 2015. We asked for it because the small municipalities have repeatedly complaining about the huge number of requests they receive from applicants. We wanted to see whether that actually corresponds to reality. From the answers of addressed small municipalities, we found out that the number of applications for disclosure of information is with only one exception in relevant years essentially constant and proportional to the size of the municipality. In our small sample, we also found a municipalities, that for the past three years does not record even

¹ KOVÁČIK, V.: Flexicurity. In: Slovak Journal of Public Policy and Public Administration. Vol. 3 No 1/2016, pp.40-55.

one application for information disclosure (Bukovec, Lesenice), which is in sharp contrast to the arguments about the unacceptable number of applications that small municipalities reportedly have. Considerably high number of application for information disclosure, we have however found in the municipality Stročín that in 2015 registered 39 applications to information disclosure, which is at the level of major Slovak cities¹. That fact, taken unilaterally oriented content of the applications, should probably be associated with a given local phenomenon, and thus can not be seen as a social concern.

By the other question we asked small municipalities what is the most common subject matter (content) of the applications for information disclosure in for 2013, 2014 and 2015. From the answers of the municipalities, that records applications for information disclosure in those years, we have learned that the content of applications it is diverse. While in case of one municipality (Ratka), it is basic and commonly available geographic data that are supposedly asked by students for their final work. in other municipalities it is data related to the administration of the municipality (Small Krtíš Opatovská Nová Ves) and its economic operations (Malý Krtíš). In case of one municipality (Ňagov) we recorded applications related directly to the mayor and his handling of finances. The municipality Stročín stands out above the rest not only by the number of applications, but also by their content. According to available information, the content of the application for disclosure of information are executions. Such content of the application we have not recorded in any other municipality that we received the information from.

In the application sent to the self-governments, we in the third question also asked whether in the municipality there is a document that more closely regulates information disclosure upon the request under the Act on Free Access to Information. Most municipalities that responded to our application (Malý Krtíš, Ňagov, Opatovská Nová Ves, Ratka, Stročín) stated that they have the documents and also cited it's exact name. Only a few municipalities that responded to our application (Bukovce, Chotča, Lesenice) have not prepared such a document. They also point out that they proceed in accordance with the Act on Free Access to Information. Although the law does not stipulate that governments

¹ NEMEC, P.: Approach of local self-governments to request on acces to information. In Conference proceeding of 3rd International multidisciplinary scientific conference on social sciences & arts SGEM 2016. Book 2. Sofia: SGEM, 2016, pp. 41-48.

possess such internal regulations, if they had it, they could use it to adapt administrative procedures to avoid errors of various kinds that often accompany the disclosure of information. Document relating to the disclosure of information should define the responsibility of competent staff or their municipal office when information is provided under the Act and accurately regulate the operational procedures and requirements to that response application for information disclosure should meet.

In the last question of the application for information disclosure we asked addressed municipalities how many employees (except the mayor) is working at the municipality. Size of the municipality in fact has a material effect on the organizational structure of municipalities and municipality offices that mostly in small municipalities tends to be its only component. Office staff of a small municipality is often without developed administrative system represented only by the mayor, who himself performs all the work tasks stipulated by the tasks covered by the municipal office. The main representative of the municipality oftentimes works half-time, sometimes even less. In case of surveyed municipalities, we found out that there is no municipality where only mayor himself operates the municipality. Always he has at least one employee available (Opatovská Nová Ves, Stročín), who mainly deals with administrative and technical support of the municipal office. It might seem that with the increase of population, the number of employees of the municipal office also increases. Our research, however, did not confirm this hypothesis, since the number of employees was not related to the population. We have noted that Ratko municipality with 307 inhabitants has the same number of employees as municipality bigger from it, Bukovce with 534 inhabitants or Chotča with 608 inhabitants (2 employees). Interestingly, community Lesenice that with the number of employees of the Municipal Office (10 employees) ranks more among medium to very large municipalities than small.

At information disclosure in small municipalities, we also registered two curiosities. Immediately after sending the application, mayor of Ňagov phoned us with inquiries regarding the reasons of our application. He explained us the well-known situation of small municipalities, where an applications for disclosure of information is understood as unnecessary and unjustified burdens on personnel and technology of the undersized self-government. Despite the fact that Infoact does not require the

applicant to substantiate the application to disclose information¹ within the correct communication we stated reason for requesting such information. At the end of the interview the mayor of the village promised to provide the requested information, and he did so on 12/10/2016. The number of employees working at the municipal office, however, the mayor did not state.

In contrast, unnecessary work at disclosing information could be detected in the municipality of Maly Krtis. This municipality without any problems disclosed the requested information in electronic form, but concurrently also issued a decision to grant the request that was sent by regular mail to the author of this text. The Act on Free Access to Information, however, in provisions of §18 section. 2 clearly states that the Obligee (municipality) issues a decision only if the request is denied, even partially. Therefore, the written substantiation of the decision to grant the request contains only a brief sentence that no substantiation is necessary, as the municipality grants it in its entirety and disclosed the information in the statutory time period to the applicant. Although such action is not in accordance with the law, it does not infringe it.

CONCLUSION

After several years of effectiveness of the Act on free access to information, it can be said that the act has changed the relationship between citizens and public authorities in the way no other piece of legislation in the modern history of the Slovak Republic did. It was this act that gave the constitutional right to information useful content and formally guarantees that free access to information will be available to everyone. Despite the fact that the under the small sample of surveyed small municipalities we can not adopted relevant conclusions, at least allusively it can be concluded that the problems in disclosing information that accompany the Infoact from the beginning of its existence still persist in the environment of self-governments. Many small municipalities have still not adopted the basic postulates of the act and avoid disclosure of the information. In the future it will be necessary to find a way to change this undesirable state once and for all.

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IRREGULAR MIGRATION IN EUROPE: A CASE STUDY OF ITALY

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Abstract

The aim of the article is to present the reader with the knowledge about irregular migration in Europe. It focuses on the migration policy of The European Union and its impact on irregular migration in Italy. Since the current migration crisis took a place in all the EU matters, the migration is theme mentioned on the daily basis. In our article we outline that this migration crisis did not started with the war in Syria and that is was a major problem especially for the border countries of the Schengen zone. We choosed as our example the case of Italy, which struggles many years with the irregular migration without any reasonable solution offered from the EU. As the irregular migration towards Europe countinues Italy is still left aside as the country which can deal with the migration better on the national level than with the European Union solutions.

Key words

Irregular migration, EU, Schengen acquis, Frontex, Migration routes, Human smuggling

INTRODUCTION

European Union became currently one of the main destination countries for the migrants from the all world. Unfortunately migrants are not floating to the European Union only by the legal ways and more and more of them are using illegal ways of how to migrate to Europe. Irregular migration became one of the most discussed topics of the current EU, which is not possible to ignore anymore especially, because of its unexpected scope. Irregular migration is dangerous not only because it can change the socioeconomic conditions of the countries, but it is also tightly connected to the organised crime, which can have a significant influence on the security of the states.

In the fact it is almost impossible to say, how many irregular migrants are in European Union. The irregular migrant is not only the person, who crossed illegally the borders, but also the person who simply overstayed a visa. According to this we can say that irregular migrant can be practically anyone. Another factor which can be complicated for showing the number of irregular migrants is the possibility of free movement within the Schengen area, which means not only the free movement for EU citizens but also the free movement for migrants. From these points it is obvious that there is not possible to gain any exact information, or statistics which could provide us with the exact picture of irregular migration.

In our paper we choosed to focus only on one type of irregular migrant, these which are illegally crossing the borders. As the case study we selected Italy, since it is one of the countries which is facing the irregular migration flows for many years and we can also see that there were many attempts to offer the solution also on the national level not only through the policies of the EU. The goal of our paper is to analyse the problems of irregular migration especially from more historical perspective, which will highlight the fact that the current migration crisis did not start with the war of Syria and some states such as Italy, Greece or Spain are struggling with migrants for many years and there never been any reasonable solution offer to them. This will also point to the fact that European Union simply ignored the raising danger of not regulated migration, which was showing it face for many years before the crisis. We will also show that the policy which was adopted by the Italy, showed itself to be much more effective as the policies which were offered as the solution from the EU.

Methodology which we used in our article was mainly based on data analysis and the content analysis of the documents. As the basis for the data analysis we used especially the Frontex analysis, published regularly every quarter and which are consider to be one of the most exact analysis, provided in the case of irregular migration into the Europe. We also used a publication by the experts on migration as Stephen Castles, A. Di Pascale or Christina Boswell. There is a lack of authors dealing with the theme migration in Slovakia so our selection of the authors was very limited. From the Slovak authors dealing with the migration we focused on the work of Boris Divinský, Miloslav Bahna, Zuzana Bargerová and Radoslav Štefančík, which are consider to be experts on this topic in Slovakia.

1 IRREGULAR MIGRATION IN ITALY: A LESSON FROM HISTORY

The problem of Italy with the irregular migration started very soon, specifically in the 1960's when many of the migrants from Morocco, Tunisia, Algeria started to move towards the Europe and as their transit country they used mainly Italy. However, the problem of Italy as a destination country started in 1980's, when migrants from Maghreb started to use the Italian need for the low qualified working force. In the reaction to that Italy created the requirement for visas in the beginning of the 1990's. After this action, many migrants decided to illegally cross the Mediterranean Sea in pateras (small fishing boats) and the motorboats. The change in migration patterns came after adopting the readmission agreements and the agreements about border controls in between the Italy and Sub-Saharan countries. These agreements unfortunately did not change anything on the fact that expulsion are very expensive and difficult to accomplish. Many migrants from the Sub-Saharan countries also burnt their IDs and passports, so it will be more difficult to send them back to their countries. Because of the difficulties with the process many migrants in this time period were deported only formally.¹

The need for creation of new form of norms for migration was lead mainly by the security questions and issues. In the speech in august 1985 the president of the European Council Bettino Craxi mentioned the direct connection in between the terrorist actions and the number of irregular migrants. With this speech the presence of irregular migrants started to be visible. The terrorist attack on the hotel Leonardo da Vinci in Rome was another push factor, which was changing the public opinion. Public started to openly criticise the politicians for non-existing migration policy. According to these moods, the first migration laws came into force already the same year (1986) and together they went through 4 major revisions. This revisions can illustrate the difficulties of the Italian political institutions with the understanding of the migration trends. Italy was also then more defined as the transit country, through which the migrants could continue their way to another European countries. Despite the fact, that the number of irregular entries to Italy was already high, the numbers for

¹ DI PASCALE, A.: *Migration Control at Sea: Italian Case*. In: *Extraterritorial Immigration Control*. Leiden: Martinus Nijhoff Publishers, 2010. p. 282.

irregular exits were higher.¹

In 1990 came into force the law Legge Martelli. This law should solve the question, how to decrease the immigration and established the number of the entries for migrants (quotas), so it will answer to the needs of labor market. Visas were for period two years and after these two years it was possibility to prolong it. It could be issued for the purpose of the study, work of family reunification. Migrants, which stayed in the country longer than two years without prolonging the valid documentations were considered as irregular migrants. Migrants deported from the country had 15 days to leave the country voluntarily, or they were deported by police after this time. The weak point of this law was that it could not solve the problems with migration for the future.

The acceptance of the migration tool as was the decree of deportation from 1990, illustrated how was the role of the transit country understood and silently accepted. Decree was known as Foglio da Via, simply allowed the migrants spontaneously leave the country in 15 days (without any sanction, or efforts to stop them). Until 1997 was this situation from the side of Italy generally accepted. Since then the Italy started to be from the side of Italy partners forced to accept the international commitments, acquired by the efficiency of the Dublin Convention (01/08/1997) and the Schengen acquis (26/10/1997). The political approach of the Italy needed to be radically changed. The flegmatic control of the migration in 1970's and 1980's was replaced by the policy of the „closed doors“ which lead to the increment of the solidarity and security.²

Italy brought first complex legislation about migration only in 1998 by the law 40/1998 Legge Turco Napolitano. This law was changing the conditions for the issue of the permanent residence and the conditions for obtaining the Italian citizenship. According to this law were created a migratory centres (CPT). To these centers were send the people, which were deported, which needed to be identified or the asylum seekers.³ The new way of the Italian migration policy was showed mainly by accepting the migration law 189/2002 Legge Bossi Fini. This law created a stricter

¹ PUGGIONI, R.: Looking for Some Coherence: Migrants In-Between Criminalisation and Protection. In: Immigration and Criminal Law in the European Union. Leiden: Martinus Nijhoff Publishers, 2006. p. 173-174.

² Immigration Policies in Italy. [online]. [cit. 2016-10-10]. Available at: < <http://strugglesinitaly.wordpress.com/equality/en-immigration-policies-in-italy/> >

³ Immigration Policies in Italy. [online]. [cit. 2016-10-10]. Available at: < <http://strugglesinitaly.wordpress.com/equality/en-immigration-policies-in-italy/> >

sanctions for helping with irregular migration. Irregular migrants, which were in international waters, could be according to this law send back to their country of origin or to the neighbouring countries. Before that the Italy could not act in these international waters. According to law no boat or ship, taking people without required documentation can anchor on the Italian coast. All the irregular migrants needs to be identified and deported to their countries of origin. Migrants can be kept in the migration centres for the 60 days and they can come back to Italy only after the ten years period.¹ This law also started a wave of criticism, because it is in violation with the paragraph 13 of the Declaration of the Human Rights from 1948, which says that: „*Everyone has the right to leave any country, including his own, and to return to his country.*“² This law is also in violence with Geneva Convention from 1951, because, instead of offering the protection, Italians sends many of the refugees back without ensuring that their return will be possible and safe. The problem of this law is also the fact, that many migrants trying to avoid the deportation often loses the documents or buy the false ones.

The new way of the Italian migration policies were processing two ways, externally and internally. Internally in the sense that any migrant found in the Italy without valid documentations was automatically deported. There were also put in place the controls of employers so they will avoid the number of illegal workers. Externally in the sense of the higher protection of the borders, which were not limited any more by the area of Italy.³

In 2002 there started to be highlighted the need for the cooperation on the south marine borders with the transit and origin countries of irregular migrants. The member states started to promote the wide scale of policies from the development and financial support to opening the legal channels for migration to EU countries. Until this year were migration policies more focused on the security issues and the border protections.⁴ The law

¹ PAOLETTI, E.: *The Migration of Power and North- South Inequalities. The Case of Italy and Libya*. Oxford: Palgrave Macmillan, 2010 s. 71-72

² Všeobecná deklarácia ľudských práv. [online]. [cit. 2016-10-10]. Available at: <<http://ludskeprava.wordpress.com/kto-sme/vseobecna-deklaracia-ludskych-prav/>>

³ PUGGIONI, R.: *Looking for Some Coherence: Migrants In- Between Criminalisation and Protection*. In: *Immigration and Criminal Law in the European Union*. Leiden: Martinus Nijhoff Publishers. 2006. p. 175

⁴ DI PASCALE, A. 2010. Migration Control at Sea: Italian Case. In: *Extraterritorial Immigration Control*. Leiden: Martinus Nijhoff Publishers. 2010. p. 286- 287

Legge Turco Napolitano was changed in 2002. The focus was put more on the relations with third countries, which started to be considered as the precious partners in the fight against irregular migration. Italian approach also allowed to strengthen the international cooperation in the countries of origin and transit. These relations had an aim not only to control and decrease the migration flows, but also to help with administration of these countries, suppress the crimes of smuggling and trafficking and help with returns of the migrants. There was also extraterritorial border control on the sea, which defined the power to stop and check the ships in this area and also the way how can the police and army ships act in these situations. With the aim to make the border control more efficient, was established the Border police in the department of the public security, which was acting under the Ministry of Interior. The aim of this Border police was to enforce and coordinate the actions of the border controls and to fight against irregular migration and also join the activities of the organs of the public security for the entrance and stay of the foreigners.¹

With the aim to create a powerful deterrent, were sanctions for the crime of irregular migration much stricter. Anyone, who is not respecting the migration laws and regulations for the entrance of foreigners to the Italy or another state, will face the sanctions. The smugglers can get to the jail for three years, however, if they were also involved in the abuse of the children and prostitution they can be sent to the jail for 15 years. The exceptions are in the cases, when there is given a humanitarian help to the migrants. The basis for this exception is the fact that the human life is more important than the public policy. In the regulation from 2003 there is even more effort put on humanitarian reasons and it also states that during the actions against irregular migration there is a necessity to care for the human life and the human dignity of the migrants. The duty to provide the help to the people in need in the sea, is also stated in the international law.² This regulation should lead to that the other ships will not be scared to help the migrants, because of the sanctions. Despite this fact, there are two well known cases in Italy which caused public outrage. The first case was the case Anamur. The ship Anamur was the ship of the German humanitarian organisation and its captain decided to save 37 migrants

¹ DI PASCALE, A. 2010. Migration Control at Sea: Italian Case. In: *Extraterritorial Immigration Control*. Leiden: Martinus Nijhoff Publishers. 2010. p. 286- 287

² Official website: strugglesinitaly.wordpress.com. Immigration Policies in Italy.[online]. [cit. 2016-10-10]. Available at: < <http://strugglesinitaly.wordpress.com/equality/en-immigration-policies-in-italy/>>

in need. The migrants said that their country of origin is Sudan, where they escaped from because of the civil war. He took the migrants into his ships in international waters and then the ship flowed to Malta territory and from there to Sicily. Almost 17 kilometres from the Porto Empedocle were already stopped and told that Italy will not allow them to the Italian territorial waters. They denied their entrance to the Sicily for another three weeks, because they could not decide who will be responsible for these migrants, if it will be Germany, Malta or Italy. After three weeks they allow them to entry to the Sicily, but the captain and its crew were taken to jail for supporting the irregular migration. This decision was based on the publicity, which apparently the captain wanted to gain for the German humanitarian organisation. They were set free another day, because even when he helped to reach the Italy to 37 irregular migrants all of them had a right to seek the asylum and some of them were also in very critical health conditions.¹

In the second case were imprisoned 7 Tunisian fishermen in Lampedusa, which in 2007 saved the life of 44 migrants including 11 women and 2 children. The fishermen found them around 30 kilometres from Lampedusa during the storm. They immediately informed the marine coordination centre and ensured the medical help for one of the children. Because the doctor visit did not confirm the bad health conditions of the migrants and was carried out on the boat, these fishermen were taken to jail for supporting the irregular migration. According to the Italian institutions the fishermen were not allowed to take the migrants to their boat, because they did not have any humanitarian reasons. The town of Agrigento, kept the fishermen in prison and they were set free just by trial in Palermo.² These two cases showed that the exception does not work all the time, which created in the eyes of public conflict if it is better to help the irregular migrants and risk the prison or rather ignore to help them.

For Italian fight against irregular migration was an important moment their presidency in the Commission in second half of 2003. It ended up shortly after the summit in Solun, which had also in program the fight against the irregular migration, return policies, cooperation with third countries and

¹ Official website: bbc.co.uk. Italy acquits migrants rescue crew. 2009. [online]. [cit. 2016-10-10]. Available at: <http://news.bbc.co.uk/2/hi/8295727.stm>

² Oficiálna stránka: migrantatsea.wordpress.com. Italian appeals court acquits Tunisian fishing boat captains who rescued migrants in 2007. 2007 [online]. [cit. 2014-31-03]. Dostupné na internete: <http://migrantsatsea.wordpress.com/2011/09/29/italian-appeals-court-acquits-2-tunisian-fishing-boat-captains-who-rescued-migrants-in-2007/>

border protection. Strengthening the cooperation with third countries and involvement of all EU countries to this problem was one of their main pillars. The actions carried out by Italy which were moved to the European level were formed by three priorities:

- Gradual introduction of the integrated management of external borders and cost-sharing in between the member states
- Deepening the cooperation and partnership with third countries
- Common management of migratory flows¹

In 2003 was established the agreement in between Italy, Morocco and Libya about common sea patrols and about the readmission agreements. In the same year came into force the regulation, which should enforce the international cooperation with the transit and origin countries of migrants.²

In 2004 the Italian prime minister Berlusconi and Libyan leader Al-Kaddāfi concluded a treaty about stopping the irregular migration and about deportation of the irregular migrants from Sub-Saharan countries through Libya to their countries of origin. In October just couple days after the treaty came into force Libya took the first migrants from Italy.³ Two months after the agreement the EU decided to cancel the arms embargo for Libya, which allowed Libya to import the army equipment officially needed for the border protection.

Despite the agreements about return policies, was Italy in 2004 accused in the case of deportation migrants from Lampedusa, because they were refugees, which were in danger if they would be return to their countries. It is also well known that irregular migration to the island Lampedusa was labeled by Italian politicians as the attack or invasion. After the 1000 of migrants came to Lampedusa in 2004 the ministry of interior Giuseppe Pisanu announced that the attacks to the coasts of Italy are organized by criminal organisations, which are only using the irregular movements of the ships. According to him this game can not be supported in any manner.⁴ These were the questions which was also European Parliament

¹ DI PASCALE, A. 2010. Migration Control at Sea: Italian Case. In: *Extraterritorial Immigration Control*. 2010. s. 289-290

² DI PASCALE, A. 2010. Migration Control at Sea: Italian Case. In: *Extraterritorial Immigration Control*. 2010. s. 281- 289

³ Italy acquits migrants rescue crew. 2009. [online]. [cit. 2014-31-03]. Dostupné na internete: <<http://news.bbc.co.uk/2/hi/8295727.stm>>

⁴ PAOLETTI, E. 2010. *The Migration of Power and North- South Inequalities. The Case of Italy and Libya*. 2010. Oxford: Palgrave Macmillan. 2010. s. 63- 67

dealing with 14th of April 2005, where they expressed the concern about the collective deportation from Lampedusa to Lybia from October 2004 until March 2005. Situation was followed also by UNHCR with the worries, that Italy did not adopted the required tools for deportation the real refugees. European Parliament then called on Italy to not to continue with collective deportation to Lybia.¹ According to UNHCR in 2008 almost 75% of irregular migrants which came to Italy by sea applied for asylum and to 50% of them was given the status of refugee or the special kind of protection. That is why the limitations of the asylum rights by turning the ships and boats caught by Italian patrols back to the countries without a proper conditions and without being part of the Geneva convention, is not a right solution. This was watched really carefully especially in 2009 when the agreement with Lybia came into force. The strong reactions came not only from UNHCR, but also from NGOs' a Commission, which addressed a letter to Italian government, to stop sending back the boats and to check every single asylum application.²

Italian fight against irregular migration was even strengthened in 2009 by regulation 94/2009. By this regulation is the irregular migration crime and that is why all the state officers and public workers are obliged to announce every suspicion about irregular migration. Irregular migrants after being detected have to pay a fee and they can be kept in captivity for more than 6 months. Help to the irregular migrants to cross the borders, or providing them with accommodation can be judged as the act of crime and can be prosecuted by 3 years sentence.³

The Frontex Agency started to control in 2006 the area including Italy, Malta, Greece and especially monitoring the area in between Malta, Lampedusa and coast of Lybia and Tunisia.⁴ In the scope of Frontex was also taken in place the first jointed navy operation, which was joined by the Germany, France, Greece and Malta (operation Nautilus). These common patrols were established to fight against the irregular migration, which

¹ Rezolúcia Európskeho parlamentu o Lampeduse. [online]. [cit. 2016-10-10]. Available at: <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2005-0138+0+DOC+XML+V0//EN>>

² Rome granted access at Lampedusa centre, but not in Libya. 2004. [online]. [cit. 2016-10-10]. Available at <<http://www.unhcr.org/416668e110.html>>

³ Immigration Policies in Italy. [online]. [cit. 2016-10-10]. Available at < <http://strugglesinitaly.wordpress.com/equality/en-immigration-policies-in-italy/>>

⁴ DE HAAS, H.: *The Myth of Invasion. The inconvenient realities of African migration to Europe*. Oxford: University of Oxford, 2008, p. 5

flows mainly through the Mediterranean Sea. Because the Italian government strengthened the initiative focused on the Mediterranean Sea, the data about detected ships and smugglers were raised. During 1998-2004 there were only 100 ships detected every year, but since 2004 it was almost three times more. In 2004 it was around 121 ships, in 2005 187 ships and 2007 172 ships.¹ Italy was also part of the operation HERA FRONTEX, which was operating around the Canary Islands and included seven member states.² Italy was also active in the initiation of the Quadro group, whose members were Malta, Cyprus, Italy and Greece. The aim of this group was to keep the attention to the problems in the Mediterranean problems. The second meeting of this group was in 2009, where Frontex offered to provide the financial and operating resources and establish the tool which will allow to divide the migrants detected in the Mediterranean between the Member states of EU.³

2 THE CURRENT PROBLEMS OF IRREGULAR MIGRATION TO ITALY

The number of the irregular migrants in Italy is currently really high. According to the Ministry of Interior, there were in Italy in 2005 around 541 000 irregular migrants and in 2007 it was already around 760 000. The estimate number is currently around 800 000 irregular migrants.⁴ The table below will shortly show us the changes in the number of irregular migrants since 2008 until 2015. We can see the increasing and decreasing tendency in irregular migration and the biggest increases are usually created by the change of political situation in the countries of origin. On the other hand the biggest decreases are usually caused by the successful operations against irregular migration under the Frontex. To map the situation in this period we used mainly the annual risk analysis from Frontex, because they are considered as the most precise source of information on this manner.

¹ DE HAAS, H.: *The Myth of Invasion. The inconvenient realities of African migration to Europe*. 2008. Oxford: University of Oxford, 2008, p. 6-7

² Hera III operation. [online]. [cit. 2016-10-10]. Available at: <<http://frontex.europa.eu/news/hera-iii-operation-It9SH3>>

³ Quadro group technical experts meet in Nicosia. [online]. [cit. 2016-10-10]. Available at: <<http://www.independent.com.mt/articles/2008-12-21/news/quadro-group-technical-experts-meet-in-nicosia-217872/>>

⁴ MANRIQUE GIL, M.: *Mediterranean flows into Europe: Migration and the EU's foreign policy*. Brussels: European Union. 2014. p. 5-6

Table 1: *Irregular flows in Central Mediterranean Sea including Calabria and Apulia*

2008	2009	2010	2011	2012	2013	2014	2015
39 800	11 043	4 448	64 261	15 900	42 925	170 760	153 946

Source: frontex.europa.eu

The Italian migration policies is currently very strict and in Italy can stay only the migrants with the valid working contract. Italian humanitarian organisations are warning in front of these unreal policies, because there is no possibility that some employer will offer a job to someone, who they did not seen ever before.¹ Situation is even more critical because the lost in the Medditeranean sea are more and more often. To cross the sea borders to Italy are often used very small fishing boats, which are packed, have weak engine and old navigation systems, which are the factors that can be life threatening. According to these accidents every year around thousands of migrants became the object to rescue for the SAR (Search and Rescue). During 2011-2013 tSAR jad to join the operations almost 900 times and saved around 50 000 migrant in need. Even when most of the migrants will finish their journey on the sea in Sicily many of them continue by boats to the coast of the Italy to the area of Calabria and Puglia.²

The situation in detention centres is not very positive either. If the migrants are detected they are taken to the camps, where they should stay only for a couple of days. Instead of that some of them are spending there the whole months. Becasue of this fact there was not access to these camps for the public or the media. This regulation was announced by ministry of interior in 2011 Roberto Maroni, when he denied any entrance fro the journalists or reporters to these camps. It took almost a year until the minister Anna Maria Cancellieri allowed the visits to the camps from April 2004.³ Very common are also the escaes from the camps to the Northern

¹ Official website: dw.de. [cit. 2016-10-10]. Available at: <<http://www.dw.de/migrants-in-italy-struggle-against-illegal-status-exploitation/a-17168175>>

² Official website: frontex.europa.eu. [cit. 2016-10-10].

Available at: <<http://frontex.europa.eu/news/update-on-central-mediterranean-route-5wQPW>>

³ Official website: strugglesinitaly.wordpress.com. Immigration Policies in Italy.[online]. [cit. 2016-10-10]. Available at: < <http://strugglesinitaly.wordpress.com/equality/en-immigration-policies-in-italy/>>

Italy or further to the Europe. Despite to this fact, there are thousands of people in Europe without valid documentations. That is why EU needed to promise and take actions to help the situation in Italy, because with the current migration crisis the problem from Italy moved to the whole Europe..¹

One of the most tragic accidents in Italy which pointed to the Italian problems and forced Eu to some kind of reaction was the accident near the Lampedusa. EU reacted by the establishment of: „Task Force Medditeranean“ Commision. Task Force proposed 38 ways how to save the lifes in Medditeranean Sea. These ways included the better cooperation with the third countries, development of the regional protection, fight against human trafficking, smuggling and organised crime., strenghtening the border control and civil and army cooperation in operations of Frontex and Eurosur. The leaders of the EU came back to the questions of irregular migration in June 2014, when the discussion was based on the long term goals.²

Another problem conncted with the irregular migration is the creation of the political dicourse which is conncting the migration with terrorism. This was for a very long time used mainly by the Italian politicians. As an example we can use the the quota from the Italian Senat: „*There are common connections in between the abused migration policy not only with human, but also with terrorism, drugs and human trafficking. That is why we nedd to be very careful especially with the migrants from Sub-Saharan Africa, where from is quickly spreading the islamic fundamentalism.*“³

The result of these statements is the fear and xenophobia. According to statistics almost 1/3 of the Italians think that the migrants are threat for the public and security of the state.⁴ In other words the concept of

¹ MANRIQUE GIL, M. 2014. Medditeranean flows into Europe: Migration and the EU's foreign policy. [online]. Brussel: European Union. 2014. [cit. 2016-10-10]. Available at: <[http://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2014/522330/EXPO-JOIN_SP\(2014\)522330_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2014/522330/EXPO-JOIN_SP(2014)522330_EN.pdf)> p. 15-16

² MANRIQUE GIL, M. 2014. Medditeranean flows into Europe: Migration and the EU's foreign policy. [online]. Brussel: European Union. 2014. [cit. 2016-10-10]. Available at: <[http://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2014/522330/EXPO-JOIN_SP\(2014\)522330_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2014/522330/EXPO-JOIN_SP(2014)522330_EN.pdf)> p. 5-6

³ Official website: detention-in-europe.org . 2008. Italy criminalises undocumented migration; raises detention period. [online]. [cit. 2016-10-10]. Available at: <http://www.detention-in-europe.org/index.php?option=com_content&task=view&id=225&Itemid=226>

⁴ Official website: west-info.eu. *Italians still think immigrants are dangerous.* [online].

multiculturalism and integration stayed outside the Italian migration policies. The important question raising is if the irregular migrants are really such a big danger as they are showed by Italian politics. Studies and analyses showed that despite the fact the migrants are more involved in the crime than the citizens. This was also partially proved by the ministry of interior in december 2007, which showed that during 1998-2006 were the number of irregular migrants involved in crime increasing. This numbers are however very realtive and in the fact he numbers of crime done by the irregular migrants are around same number as the crimes done by citizens. That is why there is obvious abusing of the situation and shopping for the votes in election, when the politicians says that these numbers of crimes dne by the migrants are remarkably higher and that is why they are all danger for Italian public.¹

CONCLUSION

Irregular migration into the Europe is without arguing one of the most discussed topics today. Because of the Schengen area is biggest pressure put on the countries which are creating the external borders of the schengen area. However, because of the free movement of the persons also the other countries of the EU started to be aware of the dangers of not regulated migration flows. The situation in which is the EU with migration now perfectly shows, that the responsibility which was put before only on the border countries, which were often criticised for not dealing with the migration flows effectively spread into whole Europe. In our article we used as an example the Italy, to prove that the current migration crisis did not start with the war in Syria, but it is a very long term process, to which until now has never been paid enough attention. The case of Italy even when it is similar now to all the other routes for migrants is special, because of all the lifes which have been lost in the sea.

According to our article we can state that European Union were not very successful in stoping the irregular migration in the past and is not very efficient today either. The solutions offered in past were usually based on financial support, which of course could not stop the irregular migration to

[cit. 2014-31-03]. Available at: <<http://www.west-info.eu/italians-still-think-immigrants-are-dangerous/>>

¹ PAOLETTI, E. 2010. *The Migration of Power and North- South Inequalities. The Case of Italy and Libya*. Oxford: Palgrave Macmillan. 2010. p. 67-68

the country. Operations which looks to be at least partially successful are Frontex operations, but they always operate in limited time period and they struggle with lack of personal and financial support.

More effective are the activities run on the national level. Especially the bilateral agreements in between Italy and the third countries. However, since the war in Syria there is a common lack of the cooperating third countries, which could provide a safe place for the return policies. These cooperations are very effective mainly because they solve the problems of irregular migration directly on the sea, but they were also providing the tools, equipments, lectures for the third countries. Despite the criticism from the EU about the collective deportations, the EU never offered to Italy any reasonable solution of how to deal with the large amount of migrants. We can also say that it is now also following the Italian example by enclosing the agreement about return with Turkey.

For Italy is the deal with the Turkey again the solution which will not be effective for their migration problems. Since the majority of the Italian irregular migrants are not Syrians (Nigerians, Gambians) they are not automatically considered to be refugees. That is why they can not take a part in the deal with Turkey, so they will all stay stuck in Italy. Since Italy is struggling with economy also because of the never ending float of refugees it is only the matter of time, when the voices against migrants will be raising even more, which will give a space to the extremists and xenophobia. The politically destabilized country which has an crucial importance for EU, will maybe finally gain some interest of the EU.

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THE IMPLEMENTATION OF THE BOLOGNA PROCESS AS PART OF THE DEVELOPMENT OF HIGHER EDUCATION IN SLOVAKIA

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Abstract

The year 1999 became a key in the development of higher education, as European countries have reached the decision together to increase the knowledge potential of society. The signing of the Bologna Declaration launched the process of implementation of the visions of states with the objective of creating a single area of higher education. Slovak Republic became one of the first signatories, which were determined to meet identified goals and values, thereby contributing to the modernization of higher education. Currently, implementation of the Bologna process still exists, until 2020. Bologna process has become a trigger for reform of higher education in Slovak Republic at the time when the number of applicants for higher education is sharply rising, as well as number of study programs. The implementation of process brings many benefits, but also pitfalls that we define in the article. An important part would be the link of education programs and academic training with the labor market. The aim of this paper is to propose potential solutions for these pitfalls, and to bring proposals to strengthen the benefits of the process. Articles are also intended to bring an overview of the progress of the implementation process and its key specifics, allowing creation of a default summary for further research in this area.

Key words

Bologna process, higher education, development, Slovakia, EHEA

INTRODUCTION

The term “Bologna process” means the initiative whose aim was, and still is, to build a common area for higher education and guarantee

through it the quality of education in Europe. We can say that this major reform started since 1998, when the then Ministers of Education started to negotiate at the meeting in Paris. In 1999 the Bologna Declaration was signed, which was adopted by the twenty-nine countries and agreed to the enforcement of its ideas. The Bologna Declaration was signed on 19 June 1999 and the signatories for individual member states became Ministers of Education. All participating States were able to agree on common objectives in higher education. In addition to process of building a common area suitable for providing quality education, except Ministers of Education, wide range of authorities at European level were included (eg. European Commission), but also on national level. Implementation required the participation and support of universities / colleges, as well as educators and public officials. Finally, the process also influenced students and employers in the labor market.¹

1 THE BOLOGNA DECLARATION AS A TRIGGER OF HIGHER EDUCATION REFORM

The reasons for the signature of the Bologna Declaration mentioned in the introduction clarify that the creation of a united Europe of knowledge has become a major priority as it can contribute to social and human development. It is essential in the society due to accomplishing of its task, which are enrichment and cohesion of European citizenship. The Bologna Declaration has experienced success right at the turn of the millennium and defined the need to face new challenges resulting from the transition. Promotion of the Declaration reflects efforts of national governments to act and reinforce the importance of the knowledge-based society in Europe. The universities and colleges had to accept the main challenge they have also become creators of a common higher education area. Together they accepted the commitment, which agreed with the idea that: “The vitality and efficiency of any civilization can be measured by the appeal that its culture has for other countries. We need to ensure that the European higher education system acquires a world-wide degree of attraction, equal to our extraordinary cultural and scientific traditions”.²

¹ *Bolonský proces a európsky spoločný vysokoškolský priestor*. [online]. [20/10/2016]. Available at: <http://ec.europa.eu/education/policy/higher-education/bologna-process_en.htm>; *Deklarácia európskych ministrov školstva*. [online]. [15/10/2016]. Available at: http://www.ehea.info/Uploads/Declarations/BOLOGNA_DECLARATION1.pdf

² BOLONSKÁ DEKLARÁCIA. 1999. *Deklarácia európskych ministrov školstva*.

Declaration spoke about the creation of the mentioned European higher education area by 2010. The objective was clearly defined by the experts who met in June 18, 1999 - to improve and enhance the quality of higher education. Among the main priorities that declaration determined for the initial partner countries, was in particular the division of study to three degrees: bachelor's, master's and doctorate. In addition to this substantial, the effort was to design explicit credit system, aimed at obtaining credit, as well as their transfer that is necessary due to the international study visits or mobilities. The question of titles acquisition was not neglected, there was an effort to approximate and comprehensively compare academic degrees. Finally, the aim became to constantly improve knowledge about Europe and mobility, thanks to which the students should have access to education across Europe.²

In the beginning 29 countries agreed with the idea of the Declaration, whose ministers on 18 June 1999 confirmed the promotion and reform of their higher education systems. List of primary signatory countries is stated in the conclusion of the Declaration and among them are Austria, Belgium, Czech Republic, Bulgaria, Estonia, Denmark, France, Finland, Germany, Hungary, Greece, Ireland, Iceland, Latvia, Italy, Luxembourg, Lithuania, the Netherlands, Malta, Poland, Norway, Romania, Portugal, Slovenia, Sweden, Spain, Switzerland, United Kingdom and the Slovak Republic.²

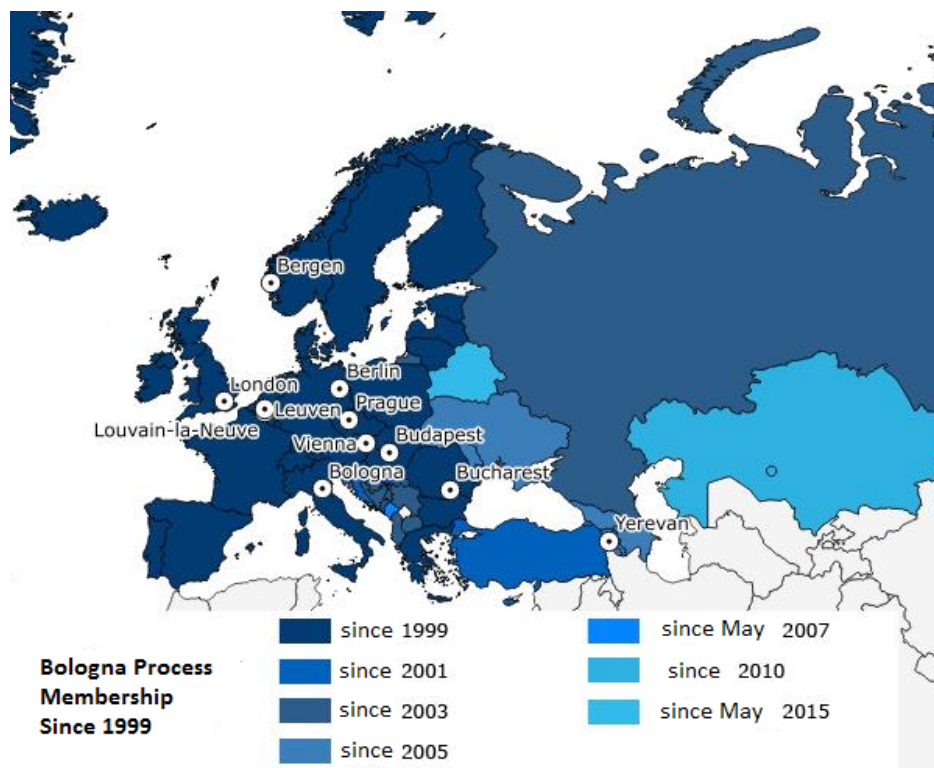
To original 29 countries that supported the idea of improving the quality of education, joined gradually more countries and they decided to implement the reform in their national systems. These countries signed the declaration in 2001: Cyprus, Liechtenstein, Turkey and Croatia. European Commission showed its support and joined in 2001. In 2003, it was Albania, Andorra, Bosnia and Herzegovina, Russia, Serbia, Macedonia and the Holy See (Vatican). In 2005, the Declaration was supported by Armenia, Azerbaijan, Georgia, Moldova and Ukraine. The year 2007 brought a connection of Montenegro. In 2010 Kazakhstan joined and in 2015 it was Belarus, which is a short-term member of the common Higher Education Area.

As the process involved all EU Member States, European Commission has also adopted the principles of the Declaration as a separate entity. Monaco and San Marino are currently the only states of the Council of

[online]. [15/10/2016]. Available at: http://www.ehea.info/Uploads/Declarations/BOLOGNA_DECLARATION1.pdf

Europe, which refused to accept the Bologna process. Currently, the total number of member countries involved in the process 48. Curiously, also countries outside the Europe gradually agreed with the idea of this process, and it is expected that this trend will continue to grow. All participating countries are shown in Figure 1, where they are also included in the group according to criteria when they connected to the process.¹

Figure 1: *Member states that joined the Bologna Process*



Source: Official website for the European Higher Education Area, 2016

¹ EURÓPSKY PRIESTOR VYSOKOŠKOLSKÉHO VZDELÁVANIA. 2016. *Ministerské konferencie*. [online]. [26/10/2016]. Available at: <http://www.ehea.info/article-details.aspx?ArticleId=43>

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2 SLOVAK REPUBLIC AS A PART OF BOLOGNA PROCESS

Slovak Republic has stood at the birth of the Bologna Declaration and thus became one of the principal signatory countries. Also in 2010, was among the only six countries that have tried to maintain a central system of quality of the process by the side of Ministry.

We can argue that this fact played in the reform of our higher education very important role. The function of the national team of Bologna Experts, which had to be set up as a support for the introduction of the Bologna process for universities, is implemented in our country by National Agency for Lifelong Learning Program.¹ Full implementation of process the Slovak Republic completed in 2003 and introduced into the education system with all necessary standards. The new three-stage system of studies already in 1996 replaced the previously functioning two-stage system in which the first degree of study (Master) lasted five years and the second degree (doctorate) three to five years. Universities and colleges did not have a choice, but were forced to adapt to the conditions of the Bologna process.²

In 1996 they introduced the same credit system. Since the academic year 2004/2005 also the Slovak universities / colleges have introduced a system of Diploma Supplements, which was also one of the aims of the Bologna process. Thanks to supplement the diplomas became comparable and acceptable in all partner countries. This supplement is published mandatorily and automatically. The Slovak Parliament adopted in 2002 a new law on higher education, which was tasked to regulate the implementation of the outcomes of the process. Student may be awarded by bachelor's degree usually after three to four years of study, while a master's degree or engineer continues after it and lasts from one to three years. We divide master's degree into three types, namely master,

¹ SLOVENSKÁ AKADEMICKÁ ASOCIÁCIA PRE MEDZINÁRODNÚ SPOLUPRÁCU. 2016. *Program celoživotného vzdelávania*. [online]. [19/10/2016]. Available at:

http://web.saaic.sk/llp/sk/_main.cfm?obsah=Letak%20BP%202010%20Final%20na%20web.htm&sw_prog=3

² HALAMA, P., ŠPAJDEL, M.: *Outcomes of Bologna process implementation in Slovakia: reflection of university teachers at psychology departments*. The 12th European Congress of Psychology, Turkish Psychological Association, Istanbul. [online]. [cit. 15/10/2016]. Available at: http://katpsych.truni.sk/europlat/halama_spajdel.pdf

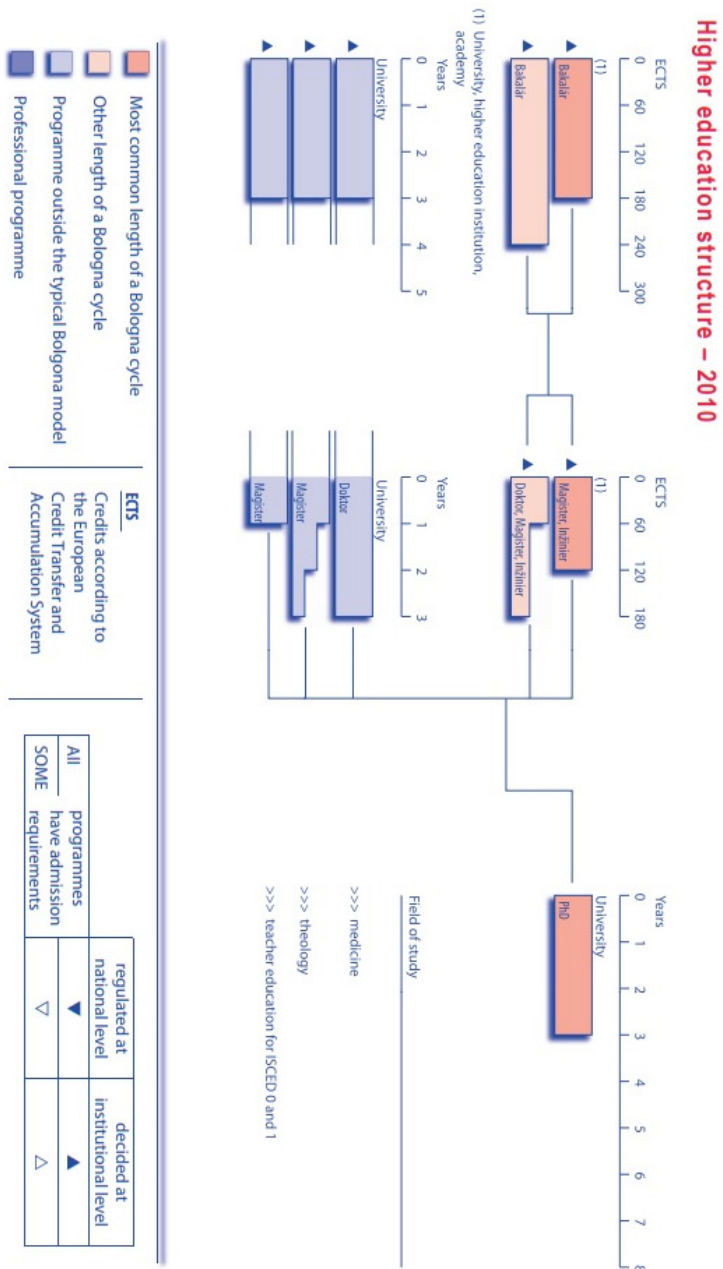
engineer and Master of Arts. Some specific areas of expertise, as a doctor, veterinarian or theologian got an exception and continue to be carried out in one long cycle. In each school, there is mandatorily introduced European credit transfer system that makes it possible to transfer credits also across partner universities and the advantage is its comparability of performance in individual subjects. Since 1995 is Slovak Republic a part of the European Association for Quality Assurance. In 2000, we adopted the Memorandum on lifelong learning, as it has become one of the priorities of the Ministerial Conferences. A year later, in 2001, by Act no. 386/1997 Coll. on further education, where provision is made that in statutory conditions there may be also further accredited education.¹

On the figure 2 we can see the structure of higher education in Slovakia processed in 2010. We can observe processed specifics of the duration of study and obtaining credits. For a three-year bachelor degree it is determined the number of 180 credits that the student must obtain to graduate. When the study lasts four years, the number of credits increases. Master / engineer degree lasting for two years must fulfill the condition of gaining 120 credits. Red shows the most common duration of the Bologna cycle for the stage. Similarly, we see that all programs are institutionally controlled conditions of admission.²

¹ EURYDICE EUROPEAN UNIT. 2003. *Focus on the Structure of Higher Education in Europe 2003/04. National Trends in the Bologna Proces*. Brussels: Eurydice. ISBN 2-87116-361-8. [online]. [19/10/2016]. Available at: http://www.indire.it/lucabas/lkmw_file/eurydice///Focus_2003_2004_EN.pdf

² EDUCATION, AUDIOVISUAL AND CULTURE EXECUTIVE AGENCY. 2010. *Focus on Higher Education in Europe 2010: The Impact of the Bologna Process*. [online]. [12/10/2016]. ISBN 978-92-9201-086-7 DOI 10.2797/38158. Available at: http://www.ond.vlaanderen.be/hogeronderwijs/bologna/2010_conference/documents/FOCUS_HE_2010_EN.pdf

Figure 2: *The structure of higher education in Slovakia*



Source: Education, Audiovisual and Culture Executive Agency, 2010, p. 136

This means that currently Slovakia is among the countries that operate the system 3 + 2, i.e. 180 + 120 by the credit model. Some countries operate a 4 + 1, i.e. 240 + 60 credits.

Table 1: *Length of study programs and the required number of credits for graduation*

Type of study program	Standard length of study in the academic year (The number of credits required for completion of the study)			
	To 31.12.2012		From 1.1.2013 ⁴	
	Full time	External form	Full time	External form
1st degree	3-4 (180-240)	3-4 (180-240)	3-4 (at least 180)	3-5 (at least 180)
2nd degree	1-3 ⁵ (60-180)	1-3 (60-180)	1-3 (at least 60)	2-4 (at least 60)
United degree	4-6 (240-360)	4-6 (240-360)	unspecified (at least 300)	Unspecified (at least 300)
3rd degree	3-4	At most 5	3-4 (180-240)	4-5 (180-240)

Source: The Ministry of Education, Science, Research and Sport of the Slovak republic, 2013

All this data is available through constant monitoring of the development of the European Higher Education Area and the various structures of providing higher education in all countries. EURYDICE is the information network on education systems in Europe and brings regular studies and evaluations of the Bologna process, where is also included the Slovak Republic. Slovak Republic also assess and collect the necessary data.

Presently, universities in Slovakia are divided by law into public, state and private, each of which is governed by different specifications. The Ministry of Education, Science, Research and Sport is the central state administration, which has a fundamental competence in education policy. It is responsible for keeping the legislation up to date that is used in the field of higher education and for the overall development of higher education.¹ As declares by the Office of the Government on its website, in recent years is Slovak higher education losing competitiveness and therefore

fundamental measures are necessary.¹ We presuppose that all measures will simultaneously support the priorities of the Bologna process, since the implementation of activities still persists.

The current Education Minister, Peter Plavčan, talks about the need for reform, which will be the largest in 25 years and he plans to make initial measures to the end of 2016.² That law clearly distinguishes between bachelor's, master's and doctoral level of study and area of operation. "Since 2002, transformation of the higher education is realized. The original two-staged system with the possibility of graduating from college with a bachelor's degree, which has not been under the previous legislation considered as higher education, is replaced with the three-staged system of higher education and introduced the credit system according to the principles of the European system for credit transfer and accumulation".³

According to the Act no. 131/2002 on Higher Education, the provision of study programs is defined as follows: Study programs are carried out in three stages. Study programs may combine the first two levels of higher education into a single unit (§ 53 para. 3). Study program of the first degree is a bachelor's degree study program. Study programs of second level and study programs combining the first two levels of higher education are a master's degree program, engineer's degree program and doctoral degree program. Study program of the third degree is a doctoral study program".⁸ With this distribution have students all over Europe the opportunity to acquire education abroad, also they can also undergo various degrees at various universities at home or in another country. The first stage of the study, i.e. bachelor, allows students to immediately enter the job market or continue in the next cycle of study.

¹ ÚRAD VLÁDY SR. 2016. *Školstvo, veda, mládež a šport*. [online]. [12/10/2016]. Available at: <http://www.vlada.gov.sk/3-4-skolstvo-veda-mladez-a-sport/>

² MINISTERSTVO ŠKOLSTVA, VEDY, VÝSKUMU A ŠPORTU. 2016. *Peter Plavčan: Spoločne presvedčíme hlavných aktérov, aby do školstva investovali dodatočné prostriedky*. [online]. [13/10/2016]. Available at: <http://www.vlada.gov.sk/3-4-skolstvo-veda-mladez-a-sport/>

³ MINISTERSTVO ŠKOLSTVA, VEDY, VÝSKUMU A ŠPORTU. 2013. *Správa o stave školstva na Slovensku na verejnú diskusiu :Popis vývoja a analýza hlavných problémov vysokého školstva, p.4*, [online]. [20/10/2016]. Available at: <https://www.minedu.sk/data/att/4760.pdf>

2.1 Possibilities for improvement of the Bologna process in Slovakia in the context of the existing challenges

In the next section we will discuss the major problems arising during the implementation period of the process. As already mentioned, the fundamental change after accepting the conditions of the Bologna process has become a division of study at the bachelor, master's and doctoral level.

Improvements can be applied especially for bachelor degree of study, because bachelor programs are not oriented to the practice, but they are used mainly as theoretical training. This causes that students to a large extent automatically proceed to the second stage of the study, whereas previously they have had no experience.

The potential of the process would be multiplied by the greater use of the cooperation of universities with employers. The problem is also lower ability of Slovak labor market system to use graduates of bachelor degree. Despite the fact that the bachelor study should be considered as a full university education, in the Law on Higher Education it is defined as follows: "bachelor degree graduates receive a university first degree".⁸ In order to help recognition of this degree or title as such, we believe that the law should be a reference about the degree of completeness of the study, for example as it is in complete secondary education.

The fact remains that originally the number of bachelors was not specified by research, who are needed for the Slovak labor market and it has also failed to adapt to new conditions, therefore the practice must currently respond to the fact that from the university study are coming out bachelors with completed education, who want to be included in working life.

For the needs of certain segments of the labor market a bachelor's degree has proven to be sufficient, but we can still observe a lack of interest in employers of graduates of this degree study in the current conditions. Today, in respect of that area in Slovakia is Bologna process mentioned not only in positive, but also in negative sense. For example, Associate Professor Ivan Ostrovský, who works at Comenius University and is a member of Academic ranking and rating agency noted its failure, when he spoke at the press conference in 2013. The Bologna model should respond to labor market needs. On the one hand, it should enable the highest quality of potential of the society to study on higher levels of study, but on the other hand, it offered the opportunity to graduate after the first - Bachelor's degree, as in the current labor market conditions we encounter the so-

called effect overeducation of applicants for certain positions. This means that candidate would be sufficient to complete a bachelor's degree to the needs for adequate administering of the profession. The trend remains that employers sometimes scantily accept that also completed bachelor's degree is a full-fledged education at that stage, and the candidate with the title Bc. (bachelor) is considered as someone who - in layman's terms - has not finished school. We can even talk about the fact that a bachelor is degraded and sometimes it happens that employers do not differentiate even a high school diploma and achievement of this title and it happens that they consider such two candidates on an equal level. This situation is reflected in the fact that the students who would not need it for their profession, automatically continue further in the study and on the second level. Universities produce so called „Formally over-educated“ masters and engineers, even if they are after graduating ultimately willing to work at the bachelor's position. The facts say that 80% - 90% of students that have completed the first stage of the study then go on to the second stage. If students for who is the bachelor's degree sufficient, completed their studies for several semesters before, they could directly enter the job market. However, we will meet with the views that oppose the allocation of study and argue that no student is able to relevantly prepare for the labor market for three years of the study, seeking to deliver the title. According to them, schools produce the amount of graduates with insufficient knowledge.

One of the views of associate professor Ostrovský is that there should be a modification of law by provision, which would permit the graduates to continue to second degree only in the case that during the first stage of study students took part in practical training. Thus conditional continuing of their education would have the effect that the students yet in earlier age would acquire the necessary experience and in the case that they have decided not to continue their studies, they should have acquired the requisite experience for the labor market needs.¹

Since there are many companies and employers that are not willing to provide students with practice, we see the potential in the involvement of NGOs. The duty of passing the practice in the non-profit organization would give both parties some profits - for student required experience and

¹ OSTROVSKÝ, I. 2013. *Bolonský proces na Slovensku zlyhal, 80 % bakalárov pokračuje*. [online]. [25/10/2016]. Available at: <http://www.hlavnespravy.sk/i-ostrovsky-bolonsky-proces-na-slovensku-zlyhal-80-percent-bakalarov-pokracuje/177995>

the recommendations a for non-profit organization invaluable assistance in implementing their activities. For better implementation of graduates of bachelor degree it is essential that this study is not only oriented to prepare students for further study, but also for the ability to succeed in the labor market directly. Experience or internships, however, may not be offered in order to use the student as someone, who will do the unattractive work for others, but rather to show him best way possible, the real form of the work.

Strengthening of the dialogue with employers has become the partial target of the last realized ministerial meeting, which took place in Yerevan on 14 and 15 May 2015. They should be able to influence the content of the study programs, because they see the real picture of the labor market and its needs and thus be able to provide students with adequate skills for the realization of the profession. In addition, the emphasis is on the creation of such a structure of programs that would in itself have combined theoretical knowledge with those practical.¹

In some countries already mentioned employer - university cooperation is working. For example, the project “Emergency methods of cooperation between private sector organizations and universities” was engaged by employer – university analysis in 5 European countries in years 2012 to 2015. At the same time there is also an information portal under the name “University - Business Cooperation”. It provides the latest news on the state of university - business cooperation in countries, where this model is operational. Among other things, there are carried out various studies that include an overview of the university - business cooperation. We mention a study in 2011 in which appeared also outputs from the Slovak Republic. Disturbing were mainly the results of the part of the survey, where representatives of Slovak institutions of higher education in the context of the question “To what extent does your higher education institution collaborates with businesses?” expressed so negative opinion that Slovakia within the university - business cooperation on the basis of these answers is ranked on the last position.² All the problems outlined

¹ EUROPEAN HIGHER EDUCATION AREA. 2015. *Yerevan Communiqué*. [online]. [25/10/2016]. Available at: <http://bologna-yerevan2015.ehea.info/files/YerevanCommuniqueFinal.pdf>

² SCIENCE-TO-BUSINESS MARKETING RESEARCH CENTRE. 2011. *The State of European University- Business Cooperation*. p.74. [online]. [26/10/2016]. Available at: http://ec.europa.eu/dgs/education_culture/repository/education/tools/docs/uni-business-cooperation_en.pdf

and assumptions are subject to the next period of research of the author and the results will be available within sub-surveys.

CONCLUSION

From previous it is obvious that one of the aims of the Bologna process was to prepare qualified and quality bachelor degree graduates for the labor market and practice. While since the signing of the Bologna Declaration in 1999, the labor market continues to evolve, the requirements of the process remained unchanged and did not respond directly to this market development. At present, it is therefore necessary the actors of the Bologna process to respond with the innovative approaches to its development and so to ensure the acceptance of bachelor degree graduates in the labor market.

Since the Bologna process is quite difficult to introduce, its implementation continues to 2020, as in 2010 not all objectives of the process that were scheduled were finished. At its objectives and their implementation we should watch also from the view of employability of graduates through various levels of study and the aim should be to increase it, which corresponds well with the priorities of the Europe 2020. Among the important factors we consider the involvement of employers in events associated with the introduction of the Bologna process, as well as well-functioning system of compulsory practice in the bachelor's degree so the students who choose not to continue in master degree have a good base for the needs of the labor market.

Cooperation between businesses and university institutions should in the Slovak Republic support the transfer of information, skills and strengthen the development of innovations. Operation may be based either directly to the invited experts from practice to teaching, which may deliver important insights for students and the creation of more technical bachelor and diploma works, which would otherwise be for students in addition to trainers from academia, these experts would be for students the official that is external supervisor directly from the company, or an institution.

Cooperation with labor market actors can certainly be helpful in developing the curriculum and can help to equip graduates with the right skills and mindset for the labor market. This is the reason why we see the need for the subject to deal with at work. Combination of knowledge from

the world of students, academic officials and employers, accompanied by an increasing awareness of the European Higher Education Area and the Bologna process may be the correct basis for a shift to higher quality education graduates.

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ORGANIZATION OF STATUTORY TOWNS IN CONDITIONS OF THE CZECH REPUBLIC

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Abstract

The aim of my paper is to point out the issue of the organization of statutory towns in the Czech Republic. In addition to important information about the individual settlements I will focus on two specific of them - Brno and Prague. They are the largest cities in the state and have some distinctions. Statutory towns denote a highly urbanized area formed with the core city and its backgrounds. The core city is characterized by a high concentration of job opportunities. It is a seat of the number of companies, institutions and also fulfils the residential function. The process of creation these areas depended on many different factors such as the existence of industry or on regional development policy by the higher territorial units. Just because of this reason I assign mentioned aim in my contribution. I will try to define the metropolitan status of Brno and Prague and then compare them with each other and with existing determination. With the gradual intensification of the suburbanization process lost the core cities their population and the background grew. Of course, metropolitan area of the towns expanded. Therefore, statutory towns have a particular position in the Czech system of local government and self-administration.

Key words

Czech Republic, statutory town, Brno, Prague, organization, local government

INTRODUCTION

The term “statutory city” refers in the Czech Republic to the town which has the right to subdivide their territory by decree known as the “Statute”. It is possible to divide the city into districts or boroughs. The town zoning into smaller territorial units with self-government bodies is the prerogative only for the statutory cities and other municipalities

cannot use it. Statutory cities not existed in the Czech Republic constantly and their status came into being and vanished with different municipal regimes. The advantage of the statutory city is merely a territorial division. The city can better manage and maintain their property through it. It should be noted that for the representatives of the town is the statute also the question of prestige. In the Czech Republic there are 25 statutory cities and Prague. Prague has a unique position. It is divided into boroughs and is not considered to be a “classic” statutory city from the perspective of the Act No. 128/2000 Coll., on Municipalities. Its position is defined by a special law - Act No. 131/2000 Coll., on The Capital City of Prague. Seven cities from all 25 are territorially divided. Simultaneously, only these cities arrange the specific conditions in their statutes. Statute of the city is a basic decree of territorially divided towns. It regulates the essential issues of administration in this type of settlements – the division into districts with their own local authorities, the position of urban areas and boroughs, relations between these bodies and their powers, the care of public property, incomes and expenses of the city, external representation etc. Statutory towns have legal permission to be divided into districts and urban areas. It should be noticed that town may not use or can use this option at any time in the future. City enumerated in the Act No. 128/2000 is a statutory town regardless of whether it is divided into boroughs or not.¹ They belong to the largest cities in Czech Republic. Four of them are the most populous (Brno, Ostrava, Plzeň, Liberec). The next three are in sixth (Ústí nad Labem), ninth (Pardubice) and fifteenth place (Opava). City district of a statutory city is administered by the local council. Other district authorities are board, mayor, office of city district and special district bodies. Currently, the city district division is valid in Prague and Brno. A special case is Opava which has eight peripheral urban areas and the centre of the town is directly managed by the city authorities.

Table 1: Statutory towns in the Czech Republic¹

Name of town	The population	Statutory town since
Brno	378 327	24.11. 1990
České Budějovice	95 640	24.11. 1990
Havířov	75 049	24.11. 1990
Hradec Králové	93 035	24.11. 1990
Karlovy Vary	49 326	24.11. 1990
Liberec	103 088	24.11. 1990
Olomouc	99 471	24.11. 1990
Opava	57 931	24.11. 1990
Ostrava	297 421	24.11. 1990
Pardubice	89 432	24.11. 1990
Plzeň	167 472	24.11. 1990
Praha	1 247 312	24.11. 1990
Ústí nad Labem	93 747	24.11. 1990
Zlín	75 171	24.11. 1990
Jihlava	50 714	12.11. 2000
Kladno	68 466	12.11. 2000
Most	67 002	12.11. 2000
Karviná	55 163	1.1. 2003
Mladá Boleslav	44 199	1.1. 2003
Teplice	49 959	1.1. 2003
Děčín	49 739	1.7. 2006
Frýdek-Místek	56 879	1.7. 2006
Chomutov	48 710	1.7. 2006
Přerov	43 994	1.7. 2006
Jablonec nad Nisou	45 510	12.3. 2012
Prostějov	43 977	12.3. 2012

Source: Author, Czech Statistical Office

¹ The data are from year 2016.

1 THE BASIC PROBLEMS OF STATUTORY TOWNS

1) Public administration reform - modernization of public administration is not directed against the classical principles of public administration (civic participation, decentralization, principle of the subsidiarity, the principle of the rule of law etc.). Its mission is to facilitate and streamline their implementation. Democratic governance and public administration are not perceived as a predominantly corporative, imperative and approval activities, but primarily as a public service and a supervisor in the sphere of provision the educational, health and social services. From economic point of view, the public administration of democratic state operates in an environment of market economy and local government has its own property and financial resources which also manages independently.

2) A new form of the statute - the question is how important is the statute of statutory city nowadays. We can often see that this term is marked as an empty label. After all, in the Czech Republic is 25 statutory towns, but only seven of them are territorially divided. The remaining 18 cities are not interested in the possibility of adjustment the city relations with the statute. The municipal self-government should primarily serve the citizens. In the case of a territorially divided statutory city is a benefit for residents obvious – they can arrange their matters at the office closer to home. Moreover, there operate officials who are familiar with the problems of the borough or city district. On the other hand, this is probably the only benefit to the citizen. It is clear that the town can reduce the burden on its bureaus, but also increases costs such as the operation of the other buildings, wages of other workers etc. The Czech municipal system has undergone 18 amendments since its adoption in 2000. In my opinion, it is a very large number in such a short time. Therefore, in the vast majority of legal changes it cannot be considered as progress in normative regulation of local government.¹

3) Question of legal personality – a problem could occur if the full-fledged public personality in the sense of parallel civil and administrative character will be granted to city districts and boroughs. There can be a legal uncertainty about the status of the city as a whole. It could be inferred that the city divided to self-government units of municipal character by its own decision and became a bundle of separately existing urban areas.

¹ GROSPÍČ, J., LOUDA, T., VOSTRÁ, L. (eds). *Územní samospráva v České republice a Evropě*. Plzeň: Aleš Čeněk, 2007. 423 p.

In terms of territorial governance system it would be unacceptable and deficient. This issue requires a wider systemic solution. One of the ways may be the establishment of another self-government level. The principle of division is not used in some statutory cities and in these conditions could be this mentioned model applied. Of course, there has to find convincing argument firstly.¹

From my point of view, it would be desirable that the possibility to divide the town on districts and boroughs have the smaller cities too. Unfortunately, this division inevitably means an increase in cost (mainly due to the accumulation the number of officials), but will lead to higher citizen' satisfaction. Another reason is the growing number of population in cities, the emergence of suburban satellite towns (neighborhoods), the association of small villages immediately adjacent to the big city etc. Good example in the Czech Republic is the statutory city of Plzeň (Pilsen). With the association of three municipalities (Černice, Malesice and Lhota) increased the number of city districts on ten in total. Until then, these villages operated as independent public corporations. The reasons for the merger were mainly small incomes from the state budget which were not sufficient for the basic needs of the municipality – the gasification, construction of sewerage and other very expensive investments. Each of the cities that would have the opportunity to divide on the city districts and boroughs will carefully consider whether the division is for them an advantage or not. It is unlikely that most cities would suddenly decide to divide. Cities as economic subjects must compare the costs and benefits and representatives who would dispose about this option are people with responsibility for the management of towns. Poorly chosen strategy leads to higher overall debt of the city. There are several arguments for and against too. We cannot find an unequivocal answer to this question. From my point of view, it is a priority to get to the citizen's needs as close as possible and so I think cities divided into boroughs and city districts as such have their merits. Whether these cities must be called statutory cities is misleading. I rather see the name of a statutory town as a prestige of a city which is particularly important from a historical point of view. We can define some common advantages or benefits:

- Public administration is closer to citizens.

¹ EXNER, J. *Obce, města, městské části: o místní veřejné správě a její dekoncentraci statutárními vyhláškami v územně členěných městech*. 1. vyd. Praha: Libri, 2004. 407 p.

- Faster and more complex solution of local problems.
- Close knowledge of the environment.
- Better control over the use of public funds and the work of elected officials and executives by the public.

On the other hand, it is no surprise that we can identify several shortcomings in this field as well:

- High costs of city districts operation.
- Too extensive bureaucratic apparatus.
- High costs of state administration.
- Frequently, small measure of powers of city districts.
- Poor orientation of citizens due to clarified competencies.

2 CURRENT STATUS OF STATUTORY TOWNS

After 1989 there were significant changes in public administration. In 1990, national committees were abolished and a new municipal law began to apply. Thus, the pre-war concept of the public administration organization was re-established. The municipality became the basis and it was legally independent. The institute of statutory cities was redefined. At the beginning, this status was given to these cities: České Budějovice, Plzeň, Karlovy Vary, Ústí nad Labem, Liberec, Hradec Králové, Pardubice, Brno, Zlín, Olomouc, Ostrava, Opava and Havířov. Cities acquired the right to organize their internal conditions in a generally binding order and could be divided into boroughs or districts. In 2000, when the new law came into force were in fact following statutory cities - Kladno, České Budějovice, Plzeň, Karlovy Vary, Ústí nad Labem, Liberec, Hradec Králové, Pardubice, Jihlava, Brno, Zlín, Olomouc, Přerov, Chomutov, Děčín, Frýdek-Místek, Ostrava, Opava, Havířov, Most, Teplice, Karviná and Mladá Boleslav. The new law defines the statutory city as follows: it is administered by the city council and its other bodies are the board of the city, the mayor, municipal authorities and the special authorities of the city. The city district of a territorially structured statutory city is administered by the municipal district council. Other authorities in the city district are the board of the city district, the mayor, city district office and special authorities of the district. The Act on Municipalities regulates the issue of statutory cities in a separate chapter. Unlike the 1990 Act –

there were provisions passed through the law as a whole.¹ The emergence of city districts and boroughs is from the beginning determined by a decision about the division of the city through a generally binding order. The order is issued by the city council. A local referendum can be set up to establish or cancel a city district. The specification of largeness or number of city districts is entirely at the decision of the city. The statute of the city includes the definition of the city districts, the independent and delegated powers of the city, the independent and delegated competencies of the city districts and boroughs, the relations between the authorities and the city offices, the negotiation of the city's generally binding orders and the provisions on the share of the city districts on the economic basis of the city (entrusted property, determination of the share of districts and urban areas in the grant awarded to the city for the performance of independent and delegated powers). The statute furthermore includes discussion of land-use planning documents and city development programs with city districts and city districts. According to the current legislation, urban districts and city districts are not separate public corporations and generally do not have legal personality. The city districts and parts are therefore subordinate to the city. The Act on Municipalities also calls urban districts and city districts as organizational units of the city. Furthermore, the statute also includes discussion of land-use planning documents and city development programs with city districts. According to the current legislation, they are not separate public corporations and generally do not have legal personality. The city districts are therefore subordinated to the city. The Act on Municipalities also calls city districts as organizational units of the city. The delegated powers are primarily attributable to statutory cities which they may entrust to city districts and boroughs. Since 2003, all statutory cities have been municipalities with extended powers. In democratic countries, relations between the municipality and the state are most often based on the right to justice, responsibility and the need for macroeconomic control. The state defines a framework for the status, organization and tasks of the municipalities by deciding the legislative body. The state cooperates with municipalities, provides them with professional and methodological assistance, provides the municipality with funds from the state budget and with protection, including legal protection. The state also exercises legal supervision over the activities of the municipality, the observance of lawfulness and

¹ SCHELLE, K. *Dějiny české veřejné správy*. Plzeň: Aleš Čeněk, 2009. p. 228.

the fulfillment of legal obligations. The state can only intervene in the municipality's autonomy if the protection of the law so requires and only in a way that the law provides. The scope of the independent competence can also be limited only by law. The municipality has the right to lodge a complaint to the Constitutional Court against unlawful interference of the state.¹

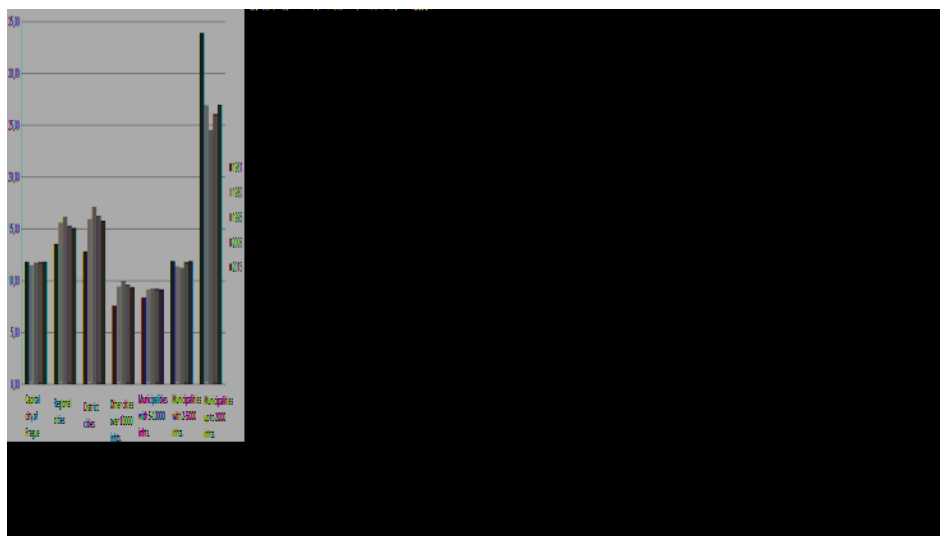
If it is possible, the state authorities are obliged to discuss with the municipality in advance proposals for measures that affect the municipality's competence and are obliged to provide the municipality on request free of charge data information for the exercise of its powers. The state, unless it is contracted out, is not liable for the obligations of the municipalities. In the relationship between the municipality and the region it is necessary to emphasize the fact that in the independent competence it is not the relationship of superiority and subordination, but the relationship of two de facto equal entities of territorial self-government. The region does not stand in the hierarchical concept over the municipality. The region is in the same way as the state according to the previous paragraph in relation to the municipality. The regional authority supervises the operation of the independent and delegated powers of the municipality in its delegated powers. This oversight is carried out in cooperation with the state. In connection with this supervision, it has certain specific entitlements which strictly follow only the legal framework for the operation of the municipality. The relationship between communities and regions should really be a partner relationship and should never cross certain ethical limits and slip into an uneven relationship. The state administration carried out by the municipality is a delegated competence which is specified in special laws and different levels of state administration are transferred to the municipalities. In the exercise of the delegated powers, the municipality is regulated by the legal order, but also by the government orders and directives of the central administrative authorities (ministries and other central state administration bodies). We can see also some exceptions - when the municipality issues regulations and decides on rights or law-protected interests and duties of persons.² The exercise of the delegated powers is not only a right but also a duty of

¹ THE CONSTITUTION OF THE CZECH REPUBLIC, Article Nr.87, item 1. [online]. 2017. Available at: <<http://www.psp.cz/en/docs/laws/constitution.html>>

² KOUDELKA, Z. *Průvodce územní samosprávou po 1.1.2003*. Praha: Linde, 2003. p. 28.

the municipality to be properly secured because the citizens have the right to a functioning public administration.

Figure 1: *Allocation of the statutory cities within the Czech Republic*



Source: author

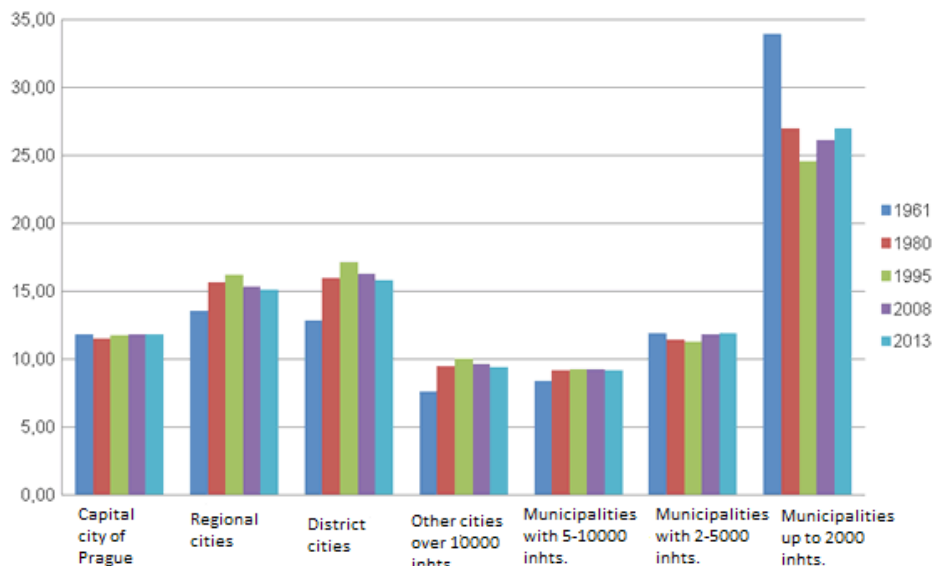
3 ADVANTAGES AND DISADVANTAGES OF THE DIVISION OF STATUTORY CITIES

The existence of city districts is debated in all territorially structured statutory cities. There are many opinions for and against their abolition. This issue has recently been expressed also by the professional public and the citizens most concerned by it. It has to be said that it is not possible to assess only the economic costs, but also other aspects. Supporters of districts argue primarily that their eventual abolition would mean the destruction of the decentralization of city units and the subsequent distancing of public administration from the citizens. Local government in city districts is naturally closer to the inhabitants of the districts and therefore knows local issues better than the city council. The decisive powers are for those who have a much greater overview about local affairs. This allows a much faster response to the problems that arise in the boroughs. This practice, which is the closest approach of public administration to the citizens of the city, corresponds to the European Charter of Local Self-Government. It is

an obligatory document for Czech Republic and also for Slovakia. Article 4 of the Charter states: “Responsibility for public matters will usually be borne primarily by those authorities that are closest to citizens. Another body will entrust responsibility where it reflects the extent and nature of the task and the requirements of efficiency and cost-effectiveness.”¹ In the introduction of the two-tier structure of statutory cities can be seen another undisputed advantage – it is a greater possibility to draw money from EU Structural Funds. Finding financial resources for larger investment projects is a difficult matter for cities today. Territorially structured statutory cities should therefore take advantage of all the benefits of dual city self-government. Representatives should take all necessary steps to ensure that EU funds can attract both levels - city-wide projects (e.g. regeneration and revitalization of brownfields, construction of wastewater treatment plants) and also local projects (leisure infrastructure, regeneration of urban greenery etc.). Both sides should cooperate in project-building, support each other and enable the creation of sufficient quality projects that are a prerequisite for drawing from EU funds. If cities have their own districts, it is in my opinion necessary for the district to be entrusted with as much powers as possible. The city should only have a coordinating, methodical and control function. Issues that need to be tackled in the city such as transport, strategic assets of the city or infrastructure, should remain the responsibility of the city council. Other matters should be kept in the hands of district councils. However, in most divided cities there is a big fight between districts and the city about the extent of their powers. While one side is interested in limiting the competencies of city districts and centralizing them in one place, the other side is interested in further expanding and strengthening its competencies. For effectively functioning of city districts it is essential that they can be financially independent. This means that they must be able to create their own financial resources and make decisions within their budget. The current financing of city districts is primarily profitable for those which have developed infrastructure, sufficient space for business and large number of inhabitants.

¹ COUNCIL OF EUROPE. *European Charter of Local Self-Government*. [online]. 2017. Available at: <<http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/122>>

Figure 2: *Development of population by size groups of municipalities of the Czech Republic in%*



Source: author, Czech Statistical Office

CONCLUSION

Statutory cities will certainly assist to the total acceleration of new administrative process in the Czech Republic. From that point of view should be considered to substantially increase the number of decision makers, interpreters, analysts and other professionals, including experts in public administration, who are significantly involved in the process with new models of organization in this field of society.¹ It is clear that big cities such as Brno, Ostrava or Plzeň need to optimal management the division into the city districts. These large areas can hardly be centrally managed from one place. For application of the principle of subsidiarity they were divided into smaller units. These cities have been divided for several decades and because of them was established the category of statutory cities. However, the vast majority of today's cities which are included in

¹ HORVÁTH, P., 2016. *Migration Policy – the Link Between the Visegrad Group Countries and the European Union*. In Kovářová, E., L. Melecký and M. Staníčková (eds.). *Proceedings of the 3rd International Conference on European Integration 2016*. Ostrava: VŠB - Technical University of Ostrava, 2016, p. 372. ISBN 978-80248-3911-0.

this group go without a territorial division. It is also interesting to note that no city has yet changed its way of organizing the city administration. No city has so far removed its districts and no other city has decided to establish districts since the establishment of the first structured statutory cities in later years. This is a certain tradition in the urban administration of individual cities and it would not be wise to change the models that are working with more or less difficulties. In my opinion, it was a mistake that the Act on Municipalities gave statutory cities only the right and not the duty to divide the city into city districts or boroughs. In this way, more and more smaller towns try to get among the cities with prestige status like Prague, Brno or Ostrava. Statutory cities today are far from their position and popularity which they enjoyed already in the beginning of their existence. At that time, these cities were given vast powers and this position was acquired only by the most important cities. In particular, there should be some binding rules on how the city can become a statutory one or how it can come out of this title. At the same time, at least the minimum conditions for the establishment of city districts (e.g. minimum number of population, size of territory or other parameters) should be defined. The right to divide the city into districts should be left to all cities that will fulfil the prescribed conditions. The possible establishment of city districts should then be decided by citizens themselves on the basis of a local referendum. The current law does not include a local referendum as a prerequisite for the establishment of districts. These measures would at least partly restore the prestige of statutory cities. The question of the complete abolition of districts and boroughs is not actual at the moment. Moreover, the complete abolition of city districts would lose the meaning of the statute of statutory cities. The citizen as a taxpayer has the right to the highest quality service of public administration. City districts in large cities certainly guarantee this kind of service. It seems that the assignment of city council members to individual parts of the city looks like an ideal tool for improving the communication of local people with elected representatives of the city. For example, this practice is successful in Zlín. Each representative is in charge of a specific local section in which he is regularly available to citizens' needs. At meetings with residents he comes to learn about specific problems and then on the session of city council promotes the interests of the citizens of "his" local part. An important requirement for the functioning of this system is the willingness of both sides (representatives and citizens) to engage in discussion and to find

solutions of problems arising in the local parts. Even cities that have not set up city districts try to involve their local parts in the city administration. In some cities, local commissions (Hradec Králové) or commissions for city districts (Olomouc) are working. In other cities operate local councils or at least commissions for the peripheral parts of the city.

Figure 3: *Example of territorial division of statutory city – Brno*

BRNO



Figure 4: Example of territorial division of statutory city – Ostrava



Source: author

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REGIONAL POLICY INSTRUMENTS

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Abstract

Regional policy in its content dimension and from the point of view of approach to its resources has become the important instrument for influencing economic growth and for building of competitiveness across whole regional spectrum of modern democratic countries. In spite of its long-term operation and substantial financial, material, technical and financial assistance, lay and professional public can notice certain interregional disparities in single states. These differences are most distinct mainly when comparing rural and mostly urbanized regions, mainly in social and economic aspects. Contribution will deal with definition of single regional policy instruments, as it is a systematic activity to achieve positive impact on dealing with issues of single regions. Achieving such goals is not possible as long as countries don't have set system of instruments within the limits of which measures shall be implemented into practice.

Key words

regional policy, competitiveness, regional disparities, instruments

INTRODUCTION

Regional policy as one of the most significant common policies of the European Union is policy of cohesion, from Latin cohesio - compactness. Compactness as such is in the context of international organisations probably the most important component of their functioning. The term of regional policy itself is primarily associated with the European Union, despite of the fact that this policy had at the beginnings mainly national character and it was not implemented to such extent as nowadays.

Regional policy along with regional development are relatively young concepts, despite the fact that regional issues exist from time immemorial, while they shall be part of everyday life and constant attention should be paid to it. We witness that in most cases the concept of regional policy

is understood as, or confused, with term of regional development. The main distinction is that the regional policy is purposive and continuous work by means of wide range of methods and instruments, on the basis of which single countries want to achieve goals of regional development set in advance.¹

Regional policy is a complex system of relations that is directly related to public administration of the specific country and its operational system. That is why necessarily experts who have strong theoretic, methodological but also practical knowledge, should work on regional policy. Position of regions in system of public administration is mainly specified by administrative delimitation and competences, on which areas and with what type of means it is possible to practise it. But the important part is human capital in the given region, for which the regional government must secure conditions leading to development alone of the living standard of individuals, and not least they shall lead to positive impact on the region itself.

1 REGIONAL POLICY

Regional policy has its beginning in 1930' with arrival of the Great Depression. Prerequisite started to be fulfilled mainly for reason that interest in regional policy had arisen mainly because the classic economic theory, talking about automatic equalization of economic balance, thus not only within the state as a whole, but also on regional level, is not realized automatically, and on the basis of this fact politicians and experts started to take interest in ways how they could progressively reduce this disequilibrium between single regions. And so the modern theory of regional policy² had started to develop gradually.

The first country who started to progressively implement certain steps was the Great Britain, while it was focusing mostly on its industrial zones (regions). In 1934 country adopted legislative measures under name of the „*Special Areas Act*“, that became the first document of its kind dealing with regional policy in the world³. Further distinctive development of

¹ ADAMKOVIČOVÁ, M.: *Regionálne analýzy a plánovanie*. Trenčín: Trenčianska univerzita Alexandra Dubčeka v Trenčíne, 2013

² ŽÍTEK, V.: *Regionální ekonomie a politika* (Regional Economy and Policy). 1. ed. Brno: Masaryk University in Brno, Faculty of Economics and Administration, 2004. 170 p.

³ KADERÁBKOVÁ, J., MATES, P., POSTRÁNECKÝ, J., WOKOUN, R.: *Úvod do regionálních a správních věd* (Introduction to regional and administrative sciences). 1. ed. Prague, CODEX

regional policy was noticed after the World War II when France started to be engaged in its disparities and at the end of 1940' it was joined by Italy. Noticeable issues and disparities in regions could be seen in both countries. The goal in Italy was to reduce disparities between the rich North and the poor South. In Italy it was mostly reducing disparities between northern and southern part. It was mostly support of the southern part where public resources started to be allocated more significantly. Programme concept „*Cassa per ilMezzogiorno*“ had as a main goal to transform predominantly agricultural southern part into the industrial one. In France it was mostly agglomeration of Paris and other regions. French government had elaborated a draft on regional policy under name of „*Twelve metropolises of equilibrium*“, progressively preventing further quantitative growth of Paris, aiming to move heavy industry step by step also in other areas¹.

Regional policy boom in other parts of Europe dates back to 1950' up to 1960'. It concerned mainly countries as Sweden, whose regional policy was focused mainly on problematic issues in order to eliminate issues in areas with low level of population. The Netherlands, specific for its high level of regional urbanization. Germany, trying to renew its economy in order to renew old industrial areas, and for Belgium typical was regional policy dealing progressively mostly with its high level of regionalisation, later leading to progressive federalisation of the country with high degree of proper authorities².

Dissimilarity of natural and geographic conditions and at the same time of economic and social aspects brings us distinction in spatial structure of single countries. Regional policy is a wide sphere of instruments and goals, used in various degrees in each country, and thus also the view at its definition is different for various authors.

Regional development strategy of the Czech Republic from 2006 defines regional policy as interventions of state defined in advance aiming to support region and a gradual elimination of disparities between regions. Those intervention should reach and support economic activity that will finally result in help for the region itself, in social, economic, but also

BOHEMIA s.r.o., 1996. 93 p.

¹ BLAŽEK, J. UHLÍŘ, D.: *Teorie regionálního rozvoje* (Theory of Regional development). Prague: Charles University in Prague, 2002. 189 p.

² LACINÁK.: *Veřejná správa a regionální rozvoj* (Public administration and regional development). 1. ed. Kunovice: European Polytechnic Institute, 2005. 50 p.

infrastructural aspects¹. To this we can associate opinion of authors Belajová and Fáziková that those are the instruments through which single regions secure themselves performance of economic policy of the state on the basis of their special aspects. It is mostly continuous process of analysis and recognition of smaller territorial units of the specific country and their consecutive development and directing².

Different view on regional policy is brought by author Barnier who considers it to be equalizing and increasing of economic development degree of set territory. Residents of the territory are those having the biggest benefit since it enables them greater choice of job positions, improvement of the economic situation itself etc. Reciprocal union of the national authorities and of the European Union are having an important role. State approves own regional policy strategy and tries to apply it. European Union authorities act as certain control mechanisms because they monitor how these measures are implemented and whether they are in accordance with idea and mission of this community³. Not all inhabitants have same occasions how to face current pitfalls of modern times and the gradual globalisation. That is why it is very important to gradually equalize regional disparities and each person should have same conditions from which economic benefits are arising⁴.

Vanhove and Klaassen understand regional policy as all state and non-state interventions into region, that should result in positive change from geographical organization to achieve change of economic aspects and consecutive effective impact on market economy from the view of social and economic relations and so they specify five basic stages of regional policy⁵:

- Parties must define main issues of set regions,
- They shall define goals on the basis of issues, with applicable

¹ Business Info.cz. Strategie regionálního rozvoje České republiky 2007-2013 (Strategy of regional development of the Czech Republic 2007-2013) [online]. [cit. 2016-10-30]. Available at http://www.businessinfo.cz/cz/clanek/rozvoj-regionu_strategie-regionalniho-rozvoje.cr-07-13/1001179/46051/.

² BELAJOVÁ, A., FÁZIKOVÁ, M.: *Regionálna ekonomika* (Regional economy). Nitra: Slovak University of Agriculture, 2005. 254 p.

³ BARNIER, M.: *Regionálna politika Európskej únie*. (Regional policy of the European Union). Luxembourg: Delegation of the European Commission in SR, 2002. 189 p.

⁴ ŠTOFKO S., ŠTOFKOVÁ K.: *Rozvoj prihraničných regiónov a európska regionálna politika* (Development of border regions and European Regional Policy). In: *New members - new challenges for the European regional development policy*. International conference proceedings. 2005. 763 p.

⁵ VANHOVE, N., KLAASSEN, L. H.: *Regional Policy: An European Approach*. Aveburg, Aldershot: Brookfield, 1987. 529 p.

- character,
- Define strategies and priorities to be applied,
- Define instruments needed for implementation,
- Perform final evaluation of the effectiveness of regional policy.

So regional policy is set of processes in determinate specified territory of specific state, performed and administrated through public sector. Regional policy is the very important part of national economic policy, since economic aspects of the whole state are influenced through regions¹. With a certain degree of generalization we can understand regional policy as policy that mainly deals with solution of regional issues and its main goal is trying to create such conditions for everyone to eliminate regional disparities on their basis, that will be positively related mainly to economic development not only of the part of the territory but of the whole state, so it is, first of all, necessary to secure such means that will use full potential.

2 REGIONAL POLICY INSTRUMENTS

Regional policy (as a public policy)² represents a systematic activity to achieve specific improved state of issues of single regions. Achieving these goals would not be possible if state does not have set instruments, under which individual measures are implemented into practice.

The most used division of instruments is their classification in **microeconomic and macroeconomic**, but we know also others though they don't have such direct economic impact.

2.1 Regional policy microeconomic instruments

Regional policy microeconomic instruments are characterised as measures to interfere decision-making of subjects important from the point of view of economy and special specify. According to this specification it is possible to divide them in two groups³:

¹ MAIER, G., TODTLING, F.: *Regionálna a urbanistická ekonomika 2: regionálny rozvoj a regionálna politika* (Regional and urban economy 2: regional development and regional policy). Prague: Elita, 1998. 313 p.

² MACHYNIAK, J.: *Proces tvorby verejnej politiky*. In Aktuálne otázky politiky III. Trenčín: TUAD, 2014. P.74-75.

³ MOLLE, W.: *The Economics of European Integration*: Tudory, Practise, Policy, Dartmouth, Hants, 1990, 547 p.

- microeconomic instruments whose nature affects movement of labour,
- microeconomic instruments that affect territorial movement of capital.

Specific feature of microeconomic instruments is their financial form on the basis of which they are directly provided.¹ These financial flows may be performed on two levels. The first is delivering results within fiscal policy, so financial relations are performed from central level. The second level is that financial resources may flow also from regional and local public budgets. So the goal of microeconomic instruments of regional policy is to restart equilibrium on regional labour market through labour force or capital. Basic microeconomic instruments of regional policy are: **Instruments for reallocation of labour force; Reallocation of capital instruments; Other regional policy instruments**².

The first microeconomic instrument is **reallocation of labour force**. In general we can say that labour force working in specific territory cannot react flexibly and immediately to specific changes, arising from regional differences, and this involves mainly salary and unemployment rate. That is why regional policy enters these processes in order to establish all aspects of labour force migration. It can secure specific steps on the basis of such established findings, that should positively affect labour force³.

Here we should become conscious of one aspect, whether it is necessary to implement these instruments in order to achieve supported labour migration so people will leave these regions. If people will leave underdeveloped regions, their crisis will deepen even more what will result in even greater differentiation between single regions. So it is necessary to direct these tools towards attraction of new capital, mainly of companies that would create new job positions, what would contribute to stability of the region⁴.

¹ ADAMKOVIČOVÁ, B.: Regionálne analýzy a plánovanie. Trenčín: Trenčianska univerzita Alexandra Dubčeka v Trenčíne, 2013. 121 s.

² WOKOUN, R., MATES, P., KADEŘÁBKOVÁ, J.: *Základy regionálních věd a veřejné správy* (Foundations of regional sciences and public administration). Nakladatelství Aleš Čeněk, s.r.o. 2011. 474 p.

³ WOKOUN, R.: *Česká regionální politika v období vstupu do EU*. (Czech regional policy in period of accession to EU). Prague: University of Economics, 2003. 328 p.

⁴ WOKOUN, R., MATES, P., KADEŘÁBKOVÁ, J.: *Základy regionálních věd a veřejné správy* (Foundations of regional sciences and public administration). Nakladatelství Aleš Čeněk, s.r.o. 2011. 474 p.

Supported directed migration within regions is never excluded, so if it happens, at least partial economic tools should be used, that will compensate financial requirements of such people. Such economic support can have several forms¹:

- reimbursement of certain amount for transport to work, when moving, etc.,
- purchasing properties by state, what would support new start of the life of residents in new region, since in these territories this property is unattractive, so state must secure such purchase price that will be attractive for people,
- last form is financial aid when purchasing a new property.

There is one more fact within migration on the basis of which each individual makes decisions. For individual not only economic facts are important, but also psychological point of view is playing an important role. So it is important that provided financial instruments should be sufficiently motivating for individual, to considerably prevail psychological side².

Instruments within which special resettlement of individuals used to be supported are used minimally nowadays, they used to be typical for period at the beginnings of regional policy. For modern times it is more typical that state focuses on such instruments that support requalification of labour force, or various investment incentives that shall support arrival of new investors³.

Reallocation of capital is the second microeconomic instrument of regional policy used in order to achieve specific changes on labour market, mainly creation of new job positions in specific region and from that standpoint we distinguish two forms⁴:

- **First form** is that new job positions will be created within already existing companies, e.g. by expanding production if it can be seen that it is competitive on the market, or the state focuses its tools on

¹ MOLLE, W.: *The Economics of European Integration: Tudory, Practise, Policy*, Dartmouth, Hants, 1990, 547 p.

² WOKOUN, R., MATES, P., KADEŘÁBKOVÁ, J.: *Základy regionálních věd a veřejné správy* (Foundations of regional sciences and public administration). Nakladatelství Aleš Čeněk, s.r.o. 2011. 474 p.

³ WOKOUN, R.: *Česká regionální politika v období vstupu do EU*. (Czech regional policy in period of accession to EU). Prague: University of Economics, 2003. 328 p.

⁴ WOKOUN, R., MATES, P., KADEŘÁBKOVÁ, J.: *Základy regionálních věd a veřejné správy* (Foundations of regional sciences and public administration). Nakladatelství Aleš Čeněk, s.r.o. 2011. 474 p.

company that will be reoriented to other sphere of focus with more long-term perspective.

- **Second form** arises mainly from condition that state will, while attracting new investors, focus its instruments on such spheres, that will not be endangered by their locality, since also these localities are neutral. That means that production does not have to concentrate only in economically stronger regions.

Reallocation of capital on the basis of above mentioned affects special movement either on the basis of specific **stimulations** (increasing region's attractiveness for new companies e.g. through decreasing taxes) or **restrictions** (measures that decrease attractive conditions so that companies are looking for new ones, here we can include termination of tax holiday or contrarily, increasing taxes)¹.

Ultimately, differences at supporting companies with new incentives among taxes and grant are not so different. When we look at this fact closer, so if the company has reduced tax burden from tax on profit, profit from economic activities depends on it, since greater the profit, more remains.

Support instruments to attract companies in specific territory can have various character. Frequent forms of subvention are: financial support, support on labour force (payment of taxes by state, instead of employer), contribution on transport, support within loans with reduced interest rate, cheap building sites (e.g. for 1, these are so called green meadows), tax and contribution holiday etc. These forms present a certain enticement for investors, but it is necessary to consider in advance which form of aid is going to be provided, since whole decision-making process of investors depends on offered conditions and incentives and thus it is necessary to take into account also specific requirements of both region and the company².

Other regional policy instruments within microeconomic sphere are mainly two³:

¹ MOLLE, W.: *The Economics of European Integration*: Tudory, Practise, Policy, Dartmouth, Hants, 1990, 547 p.

² WOKOUN, R., MATES, P., KADEŘÁBKOVÁ, J.: *Základy regionálních věd a veřejné správy* (Foundations of regional sciences and public administration). Nakladatelství Aleš Čeněk, s.r.o. 2011. 474 p.

³ WOKOUN, R.: *Česká regionální politika v období vstupu do EU*. (Czech regional policy in period of accession to EU). Prague: University of Economics, 2003. 328 p.

1. **Administrative instruments:** they used to be characteristic for period of 1950' up to 1970'. It was an instrument with distinctive repressive nature, since by decision of state authorities any economic activity of company was stopped, because state decided that they are not needed anymore for their region, or they did not comply with their activity and thus they obstructed development potential of the specific territory. It was mostly stoppage for companies focused on heavy industry threatening the environment.
2. **Regional development agencies:** basically it is an institutional instrument of regional policy, and they should be between parties of regional policy. Their main task is to secure creation of content and theory of this policy.

Except for this basic division we can distinguish also other divisions that are more effective from theoretical, application and methodological point of view.

Authors Wokoun and Mates divide microeconomic instruments of regional policy from the following point of view¹:

1. **Non-financial instruments**, internally further divided into: *administrative instruments* focused mainly on legislative amendments and definition of regional policy, these are mainly specific measures as prohibitions, orders, issued by administrative authorities; *institutional instruments*, thus such measures that take place in organizations, mainly preparing conceptual programs, projects, eventually draft proposals on absorption of European Union funds; *material and other non-financial instruments*, these instruments are concentrated mainly on provision off various services, either consulting in the regional policy sphere, or preparation of marketing activities etc.
2. **Financial instruments** are subsequently further divided into: *investment and non-investment subventions* that are concentrated mainly on support through various non-refundable financial grants, concessional loans with low level of interest rate etc.; *capital participation* defined as distribution of interests between investor and state; *tax subventions* are characteristic and the most

¹ WOKOUN, R., MATES, P.: *Management regionální politiky a reforma veřejné správy* (Management of regional policy and reform of public administration). 1. ed. Prague, Linde, 2004. 351 p.

used and they are mainly various incentives in form of tax holiday, social contributions, reducing tax on profit etc.; *budget concession* focused mainly on finances provided beyond incentives, e.g. company wants to build a new scientific centre where 100 job positions will be created and state will contribute to it.

2.2 Macroeconomic instruments of regional policy

Macroeconomic instruments within regional policy are basically strongly limited by state policy, since all measures are directly linked to it. It is mostly the relation with economic goals of the state policy, securing inflation on necessary level, equal payment balance or its limitedness on national industrial and agricultural policy¹.

Wokoun, Mates, Kadeřábková put among basic macroeconomic instruments: **Fiscal policy; Monetary policy; Protectionism**².

Fiscal policy is concentrated on support of regional policy and development through national budget and finances linked to it. This mechanism consists in reallocation mainly on the basis of national system of taxes and contributions in which inhabitants themselves are involved and size of possibilities of expenses from national budget, that single states can afford³.

On the basis of such system we can see difference also in reallocation, since predominantly more developed regions, their residents and companies are participating on public finances, contrary to those where the region is not in such developed situation. This fact is even strongly evident in systems with progressively set system of taxes and contributions.

Such set fact is in inverse proportion, because on the other side more developed region contributes more to public resources, but more underdeveloped region is more subsidized on the basis of various contributions, as e.g. social unemployment allowances, requalification courses⁴.

¹ MOLLE, W.: *The Economics of European Integration*: Tudory, Practise, Policy, Dartmouth, Hants, 1990, 547 p.

² WOKOUN, R., MATES, P., KADEŘÁBKOVÁ, J.: *Základy regionálních věd a veřejné správy* (Foundations of regional sciences and public administration). Nakladatelství Aleš Čeněk, s.r.o. 2011. 474 p.

³ MOLLE, W.: *The Economics of European Integration*: Tudory, Practise, Policy, Dartmouth, Hants, 1990, 547 p.

⁴ WOKOUN, R., MATES, P., KADEŘÁBKOVÁ, J.: *Základy regionálních věd a veřejné správy* (Foundations of regional sciences and public administration). Nakladatelství Aleš Čeněk, s.r.o.

Theoretically it is possible to meet also situation when united system of fiscal policy would be replaced by regional differentiation. That system would be determined on the basis of economic and agricultural development of the region. But that would only lead to higher taxes and contributions in more developed regions and the decrease would be directed towards underdeveloped regions. Such set system would not have to be successful and it could lead to negative wave of criticism. This system is not used in modern democratic countries with developed market economy since regionalised tax system would be a negative phenomenon for a specific political set, being not the only reason. On the other side it could decrease economic development of prosperous regions, which can decide not to participate with their taxes in someone else, since they are not getting social benefits to such extent¹.

But there are certain exceptions, through which state tries to help these regions, for example by providing national contracts only in economically non-prosperous territories and thus hoping that their situation will get better, or it will keep at least desirable level².

Second macroeconomic instrument is **monetary policy**, characterised as process of influencing through volume of financial means in national economy. Monetary policy within regionalisation may be performed in various forms, as e.g. with more simple approach of specific regions to financial loans, that may be mainly influenced by volume of loans, height of loan's interest rate, but also with deadlines. Their use is also limited, since they tend to create high level of inflation³.

Protectionism as last macroeconomic instrument of regional policy is focused mainly on national influencing of the import on the basis of import restrictions set in advance. They are predominantly limits in sphere of import, or specific increased import duty, so already orientation on consumer products. Here the degree of effectiveness is greater, mainly if it is a specific product with high concentration in the specific territory⁴.

2011. 474 p.

¹ WOKOUN, R., MATES, P., KADEŘÁBKOVÁ, J.: *Základy regionálních věd a veřejné správy* (Foundations of regional sciences and public administration). Nakladatelství Aleš Čeněk, s.r.o. 2011. 474 p.

² MOLLE, W.: *The Economics of European Integration*: Tudory, Practise, Policy, Dartmouth, Hants, 1990, 547 p.

³ WOKOUN, R.: *Česká regionální politika v období vstupu do EU*. (Czech regional policy in period of accession to EU). Prague: University of Economics, 2003. 328 p.

⁴ MOLLE, W.: *The Economics of European Integration*: Tudory, Practise, Policy, Dartmouth, Hants, 1990, 547 p.

So from the view of regional issues it is implementation of regionalisation of protectionism. State will define implementation of such import limits and goal in regions with concentration of production of similar products to secure higher sale of own products in such way. Such period is of great benefit for employers since they can use it to increase own production, to decrease unemployment rate and to improve its position on the competition market¹.

2.3 European Regional Policy instruments

European Regional Policy, also called Cohesion Policy, represents budgetary means that single countries have at their disposal through funds. General provisions on the European Regional Development Fund, Cohesion Fund and European Social Fund are set by Council Regulation (EC) no. 1083/2006 of 11 July 2006².

The **European Social Fund** supports employment and helps people to expand education and qualification, at the same time aims to complement activities of Member States focused on growth and creation of job positions and development of human resources³. The **European Regional Development Fund** represents structural fund of the European Union, having as a main goal enforcement of social and economic integrity of single countries within balancing regional disparities. It helps to reduce differences through such measures that support sustainable growth of local and regional development and of the employment rate and increase territorial cooperation and competitiveness⁴. The **Cohesion Fund** is one of the younger funds that was created in 1993 for four least prosperous Member States of the EU (Spain, Greece, Ireland and Portugal). Difference of Cohesion Fund consists in fact that it is provided to the state as a whole and not to single regions. It helps to support great infrastructural projects,

¹ WOKOUN, R., MATES, P., KADERÁBKOVÁ, J.: *Základy regionálních věd a veřejné správy* (Foundations of regional sciences and public administration). Nakladatelství Aleš Čeněk, s.r.o. 2011. 474 p.

² Regulation (EC) No 1083/2006 of the European Parliament and of the Council laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund

³ Regulation (EC) No 1081/2006 of the European Parliament and of the Council on European Social Fund

⁴ Regulation (EC) No 1080/2006 of the European Parliament and of the Council on European Regional Development Fund

mainly in sphere of transport, flood protection measures or environment¹.

Regional policy instruments are very substantial part of process of creation of this policy, particular development concept may be directly implemented on their basis. Without instruments defined in advance whole concept would be only a certain paper without knowing how to achieve that change. From certain point of view the best is to support regions either by requalification, or investing in education already from the smallest children and to support local companies, to create such a specific value of territory based on proper brand to be promoted, in order to possibly achieve that it will become recognized in wide competition, that will result in direct increase of its production, what is directly related to increase of job positions.

CONCLUSION

Regional policy can be understood as one of the instruments of Keynesian macroeconomic theory and policy based on market interventionism in order to renew failures or increase market results by public sector. Regional policy in the context of the EU was coming in the foreground with gradual process of unification of multicultural and multinational Europe after World War II. From the point of view of idea of authors of regional policy includes positive intents that cannot come without externalities and other negative impacts arising during their implementation, or that are caused by it alone. It is not possible to create artificial conditions for regional development, as once tried by Socialist Planning Policy. Development may be founded only on support of location factors of territory of interest and effective stimulation of its endogenous resources.

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¹ Council Regulation (EC) No 1084/2006, establishing a Cohesion Fund

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MOLLE, W.: *The Economics of European Integration*: Tudory, Practise, Policy, Dartmouth, Hants, 1990, 547 p.

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IMPLEMENTATION OF E-GOVERNMENT IN CONDITIONS OF SLOVAK REPUBLIC

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Abstract

The paper presents the introduction of e-government in the Slovak Republic. The article analyzes the achievements and future vision in implementing e-Government. The paper is divided into three parts. The first part is an analysis of e-Government from 2008 to 2015. The second section describes the achievements and appreciation of unsuccessful e-Government. The third part is devoted to upcoming proposals and setting the new targets.

Key words

public administration, e-Government, implementation

INTRODUCTION

In conditions of the Slovak Republic public administration has to face many requirements, not only from the perspective of restructuring and reforms, but also from the viewpoint of modernization of structures of public administration on the territory of Slovakia. These requirements result mainly from the membership of Slovakia in the EU. The elementary task of public administration (PA) is to provide services for citizens, entrepreneurs and institutions, mainly in an effective and compact way in compliance with the rules, on which public administration is built. Such understanding of the role of public administration would not be possible in conditions of modern Europe, if public administration was lagging behind the requirements of the modern society. In contemporary informational and technological world, it is therefore necessary to adjust the exercise of the tasks of public administration to the demands of our modern society. Both our in-state institutions of public administration and institutions of

the EU are fully aware of this requirement, while implementing individual legislative and technical demands on digitalization of public administrations of individual membership states by means of e-Government¹.

E-Government², as a tool of performance of public administration, has a potential to ensure a united, civic-oriented and effective public administration. A positive aspect of electronisation of public administration is on the one side easier access of addressees of public administration to its institutions, from the perspective of beating bureaucracy, being informed and taking burden off the citizens and companies from a long-lasting bureaucratic apparatus. On the other side, it decreases financial costs of public administration, makes easier providing mutual information among authorities of public administration and so on.

E-Government represents electronic form of performance of public administration by means of implementing information communication technologies. It is built on the basis of five segments of online communication as follows: within the institutions of public administration - employees (G2E), among individual institutions of public administration (G2G), between public administration and the publics - citizens (G2C), between public administration and entrepreneurial sphere - business (G2B) and between public administration and administration (G2A)³.

The outcome for implementing e-Government in Slovakia represents the Act No 275/2006 Coll. on Information Systems of Public Administration, and on amendment of certain acts, as amended, which anchors rights and duties of liable persons in the field of creating, operating, using and developing ITPA. A key regulation for the very procedure of performers of public administration - the performance of public administration in electronic form is the Act No 305/2013 Coll. on electronic form of exercise of the scope of public authorities and on amendments of certain acts, as amended.

¹ European eGovernment Action Plan 2011-2015. [online]. [2016-10-28]. Available at: <<https://ec.europa.eu/digital-single-market/en/european-egovernment-action-plan-2011-2015>>

² Zákon č.305/2013 Z.z. o elektronickej podobe výkonu pôsobnosti orgánov verejnej moci a o zmene a doplnení niektorých zákonov (zákon o e-Governmente)

³ Informatizácia verejnej správy. [online]. [2016-10-28]. Available at: <<http://informatizacia.sk/egovernment/519s>>

NATIONAL CONCEPTION OF INFORMATISATION OF PUBLIC ADMINISTRATION IN SLOVAKIA

In 2008 Ministry of Finance of Slovak Republic elaborated a document on national level, whose priority was to set aims, principles and visions in the field of computerisation of public administration and to implement e-Government into a form suitable for European standards. **National conception of informatisation of public administration** (further only NKIVS) implements requirements on computerisation of public administration in the Slovak Republic, whose initiator was the European Commission. The mission of PA is especially to enforce legal entitlements of the public, who put increasingly more demanding requirements on the performance of tasks of PA. Lessons from projects of neighbouring countries point out the fact that PA can accomplish its tasks more precisely, earlier and it can enforce better informing of the society mainly through implementation of new information communication technologies (ICT) in its processes. NKIVS involves the process of computerisation of PA, architecture of integrated informational system and priorities of informatisation of PA reachable until 2013. The fundamental principles for implementation of e-Government in conditions of Slovakia were as meaning that document to form legal framework, form infrastructure and digitalization of sections of administration. Accomplishing these three principles is at the same time the basic building stone for a complex computerisation of PA. One of the key tasks that the Slovak Republic has had to face recently is creating a coherent, systematically elaborated and sufficiently flexible legal framework in order to make e-Government competitive towards other states of the EU in conditions of Slovakia. **Legal framework** of computerisation of PA was until 2008 unsatisfactory, since the legislation was not built on the basis of architecture that would give space and support for informatisation of PA. Legal norms issued in those times solved only partial legislation of individual sections of administration, whereas there was missing mutual interconnection that would shape a complex set of regulations supporting application of ICT. Another factor was the absence of legislation regarding competences, tasks and duties of authorities of PA in the field of computerisation. Finally, it was necessary to put in tune used terminology with the terminology used and applied in the EU. Principles of building legal framework in the field of computerisation of PA thus should be based on four set components

as follows: legal framework, mutual interconnectedness, coherent interpretation and competence. Implementation of concrete information processes has to be determined by approved legislative. This is given by the fact that sole computerisation of PA to a large extent deals with its substance and newly implemented technologies represent a way of their effective realization. From this reason, legislative rules of the Slovak government should include clause of the impact on computerisation, which should be the content of the general part of the explanatory memorandum to the bills. Regarding the above mentioned there results that the sole computerisation of PA would not be possible in case it was not legally bound with the legislative. This interconnectedness regards not only the laws, but also legal acts of lower legal power, as these can also have an impact on IT in PA, for instance within regional and local authorities.

Uniform interpretation of legislative measures in the area of computerisation of PA can be enforced only when authorities of PA applied information systems of PA when performing the administration, which would grant at valid legislative its proper and uniform interpretation, and on-line available central reference registers and code lists would be applicable to legal acts. Since the data funds applicable to legal acts cannot be applied in electronic form without any support in the laws.

Competence of competent authorities of PA on individual sections of computerisation must be delimited and formulated by relevant standard in such a way that these administrators of ISPA are responsible for topicality, credibility and accessibility of entrusted section of ISPA.

Another principle of building e-Government, which was set by the Slovak government as its aim, is **forming the infrastructure**. Under this term we understand technological and information environment of PA, including integrated information communication infrastructure and organizational ensuring of its administration and maintenance. In this sphere, ensuring a united logical data centre of the state should be among the priorities, so that it was possible to run administrative agendas in it same for all state organs, further on communication infrastructure of PA guaranteed by the state, building data centre of villages and municipalities and to create basic framework of information security of the state.

The process of implementation of e-Government was supposed to be finished by **Digitalization of section of administration**, representing own application of ICT for the sake of exercise of administration. The outcome of the application was to be information system of administration

section, in which all agendas would be digital. Digitalization of sections of administration is conditioned by support in laws, regulating the scope of central government authorities (ÚOŠS), which are directly responsible for the exercise of ISPA on the section of performance of state administration. Thus ÚOŠS fulfils the role of the administrator of ISPA, in the given area of public administration. The administrator of ISPA should ensure information systems of section of administration in such a way so as the final solution supported computerisation of exercise of tasks on the entrusted section of administration. The main priority was creation and implementation of **electronic identification card** (identity card with a chip, including electronic identification data with the possibility to keep advanced electronic signature), **basic identifiers** (for identification of natural and legal persons) **basic code lists and registers** (natural and legal persons, spatial information and addresses), **basic access components** (as central portal of public administration, contact centre and integrated service place), **basic common modules** (Shared services - services used by more IS) and **other components** (e.g. portal of employees of PA, register of institutions of PA etc.)¹.

RESULTS OBTAINED UNTIL 2015 IN E-GOVERNMENT IN SR

The aims declared in the National conception from 2008 were managed to be fulfilled only partially. Since 2008 until present time there has been carried out only a part of the projects (**Table enclosed in Annex 1**). The main reasons why the project of e-Government has not been fully integrated in Slovakia yet include insufficient preparation of legislature, weak coordination of the projects, inability of liable persons to carry out projects and the halt of the process of computerisation in the years 2011 and 2012 due to political changes.

Within the legislative we may state that the main stumbling block was the fact that legislative requirements mentioned in the studies of feasibility of information systems of PA were not fully involved in the bills of laws. Another adverse element was, regarding the time perspective, prolonged preparation of the Act No 305/2013 Coll. on e-Government. On the basis of

¹ Národná koncepcia informatizácie verejnej správy (2008). [online]. [2016-10-19]. Available at: <<http://www.informatizacia.sk/narodna-koncepcia-informatizacie-verejnej-spravy--2008-/1306s>>

the above mentioned facts it was not possible to fully integrate information systems of PA and consequently to accomplish aims set in NKIVS. The preparation of the legislative process should be a component part of the executed projects, which require legislative changes. Information systems of PA should be created in such a way as to be able to simply and effectively adjust to possible legislative change. This requirement is amplified in particular by the fact that the exercise of PA is determined by huge amount of dynamically developing legal regulations, which can finally change the substantive agenda of applied information processes¹.

To other aspects of the failure may be included weak coordination of the projects, caused mainly by weak delimitation of competence responsibility for the central architecture of e-Government. Building e-Government as a unitary whole leans upon various partial projects made on different levels of PA. Therefore, it is necessary to ensure coordinated cooperation of individual administrators of ISPA and to create a functioning system on testing the solutions. Last, but not least it is important to strengthen the exchange of experience from the perspective of quality and management among individual liable persons.

In the sense of project execution it was shown to be ineffective the prolonged ensuing of individual orders by means of procurement. Since competition documents were often unclear. Hindrance to the project execution was also the quality and quantity equipment of IT departments of liable persons. Public administration must create conditions and necessary motivation for addressing and enforcing the entrance of IT specialists into the staff of employees working in public administration².

PLANNED PROJECTS AND STRUCTURE OF E-GOVERNMENT FOR 2015-2020

The Deputy Prime Minister's Office for Investments and Informatisation of the Slovak Republic elaborated second generation of the project **National conception of informatisation of PA** for the programme period until 2020. NKIVS builds on the previous document from 2008. Current legislation, unlike the previous document, develops the architecture of integrated

¹ Informácia o postupe zavedenia architektúry verejnej správy v SR. [online]. [2016-10-28]. Available at: <<http://www.informatizacia.sk/architektura-verejnej-spravy/21708s>>

² Stratégia informatizácie verejnej správy. [online]. [2016-10-28]. Available at: <<http://www.informatizacia.sk/>>

information system of PA. The conception provides a new insight on the reform of the state functioning by means of information communication technologies with the aim to make more effective the operation of PA. The document defines a strategical architecture of PA for the period until 2020 and supports implementation of enterprise architecture.

The need to revise results of the previous NKIVS results primarily from the changes in the approach taken so far to the computerisation of PA. The main vision is interconnection of e-Government in such a way as to make it cross-border, in order to enable realization of a complex reform of PA and at the same time realization of mobile e-Government applicable by means of smartphones. The attitude to the process of computerisation of PA is described at five following levels – legislative level, coordination of supervision over building e-Government, level of sources, level of the process, information level and technical level.

Within **legislative level** the process of computerisation of systems will be coordinated with the process of reform of PA. Legislative changes connected with informatisation on individual sections of PA will be submitted to the Deputy Prime Minister's Office for Investments and Informatisation of the Slovak Republic, as meaning provision clearer and more complex implementation of legal system in the fields of computerisation of PA. It will be necessary for the project that requires implementation of new standard for information systems of PA to be in the form of a proposal of elaboration of this standard a component part of the project. Similarly, it will be necessary to accomplish legislative purpose of the Act on exercise of administration in the field of information technologies of PA, in the sense of covering all areas of management and governance of the administration (from planning up to monitoring and evaluation of ITPA).

Coordination of supervision over building e-Government will be ensured on the legislative basis and the area of management and administration of ITPA will be executed by the authority by means of architectonical and programme office of PA. The rules of management will be united even when regardless the source of funding IT projects in PA. On this level, there will be enforced mainly proper coordination and building of e-Government primarily by means of approving conceptions of development of ITPA, preparation of studies of feasibility and mutual harmony of the projects while respecting the principle of transparency and participation of public control.

The purpose of **level of sources** is to ensure effective management of e-Government according to a new conception, which will be created by the Deputy Prime Minister's Office for Investments and Informatisation of the Slovak Republic. In the conception there will be proposed the range of tasks necessary for management of IT of PA, process of their building and deliberate development into the future.

In the process of implementation of e-Government in different sections of public administration there has been identified an amount of common activities. In the sense of an effective service providing to citizens and entrepreneurs, it is vital to carry out these activities in the framework of central components. These may be delimited from the strategical architecture of PA, which defines individual levels of environment of PA so as it was possible to plan development of e-Government and reach high level of quality, services and information systems of PA. Strategical architecture can be delimited on three levels, namely on the business layer, layer of information systems and technological layer.

Business architecture of PA defines primarily communication channels, services, processes, information that are realized in PA on the basis of competences of authorities of public administration. Architecture of information systems of PA consists of application and data architecture. Application architecture is focused on application services, information systems whose aim is to support performance of functions and activities defined on the level of business architecture. Data architecture represents an important tool for managing reference data defined in the Act No 305/2013 Coll. on e-Government. Data architecture is focused on building components, while ensuring interoperability in the exchange of information between public administration, citizens and commercial sector.

Technological architecture of PA is divided into three functions, namely government cloud, communication infrastructure and infrastructure of the organization of PA. Technological infrastructure can be defined according to the Act No 275/2006 Coll. as a set of interconnected technical means and programme means enabling implementation and operation of information systems of PA. By means of accomplishing this conception there should be stabilized the effect of growing need into a packed renewal of aging ICT.

234 | Within **information level** NKIVS devotes to the issue of open data and management of the data. These include the process of collecting,

processing and analysing a great amount of data. All the data that will not be protected by specific legislation will be published as open data directly through application interface for free repeated usage. In order to make possible objective comparison of outcomes among individual resorts of PA, key analyses and prognoses will be executed over common analytical data.

Technological level leans mainly on building government cloud. This should provide PA services in the form of infrastructure as a service, platform as a service, or software as a service. Cloud solution provides an easy net access to the services of information technologies upon request in virtual environment that can be available with minimal effort and time limitation, even independently of locality and access of sources. The model infrastructure as a service (labelled as IaaS) represents cloud service of providing infrastructure as servers, data storages and net infrastructure. The advantage of this access is that the whole hardware is cared of by the provider. Platform as a service (PaaS) in the sense of which cloud service is represented by providing hardware and software platforms, necessary for creation and administration of applications, whereas these applications stay in the administration of customer of cloud services. Software as a service (SaaS) is where cloud service is represented by providing software including applications. The user buys only the access to the application and not the application as such. The aim is implementation or production of a government cloud is to ensure sustainability of costs on operation and improving quality of systems of PA¹.

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ANALYSIS OF MUNICIPAL ELECTIONS IN TERMS OF ACTIVE AND PASSIVE SUFFRAGE IN SLOVAKIA

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Abstract

Contribution responds to current affairs analysis of election results in local elections. The current research are focused primarily on voter participation in elections. Contribution represent a model than can be analyzed from the perspective of local elections motivation of inhabitants to candidate in elections. The results of municipal elections since 1990, Slovakia is considerably more small interest of citizens in municipal politics. Voter turnout is about 50%. Analysis of passive suffrage can statistically exactly explain their interest in self-government affairs. Our contribution explains the exact method of research, which will be implemented from about 2017. It is using its own analytical framework that assumes the results of which have not been presented anywhere. Advantages of setting a framework for the originality and accurate statistical analysis as an active as well as passive suffrage in local elections in Slovakia. The research could be implemented in other types of elections.

Key words

passive suffrage, active suffrage, municipal elections, candidacy, participation.

INTRODUCTION

Contribution responds to the increasingly topical issue of interest of inhabitants governments on municipal policy. The current research is focused mainly on the analysis of voter participation in elections. Slovakia took place on 6 municipal elections. One of the most frequently asked questions is a measure of the legitimacy of elected representatives. It is generally expressed in voter turnout. Democracies are faced with turnout,

where more than 50% is considered a success. Similarities can also be seen in regional elections. Voter turnout by Horváth and Mihálik¹ averages just over 50%. Examples include regional elections in 2010. Then was the voter turnout in the districts most often on the values of 44-56%. This is confirmed by several authors. Švikruha² notes that for example in regional elections from 2001 to 2013 it was in the first round turnout (regional council) participation up to 26%. Municipal elections were the lowest in participation in 2006, when it was just over 47%. These are relatively small numbers. Professional, especially foreign literature it not directly defines when turnout is low and vice versa when high. There is no consensus on the subject. The trend is that in municipal elections the prevailing view of low voter turnout. Interest from citizens about local elections/ municipal politics is so very low. Contribution is not focused on active suffrage, namely the right to vote, but mainly on the passive suffrage, therefore, to be elected. Research question is whether citizens in Slovakia prevails rather go right to elect their representatives or candidates, and participate directly in municipalities in local politics. Contribution based on a quantitative survey (later more research) statistically significant degree of active and passive suffrage. Investigation of municipal elections in this respect by us can quantifiably prove and explain whether the interests of the Slovak municipal elections by the voters / citizens is small or vice versa surprisingly large. Contribution represents a model of how it could be expressed statistically passive suffrage of any elections in Slovakia practice the example of municipal elections. Research on passive suffrage has not yet been realized in Slovakia.

1 THE CHARACTERISTICS OF THE ELECTORAL SYSTEM IN LOCAL ELECTIONS IN SLOVAKIA

The subsidiarity principle taken from EU law allows the smallest administrative unit to decide on matters relating directly to their residents. In Slovakia, citizens of towns and municipalities make use of this possibility since 1990. Successive reforms of the towns or villages,

¹ HORVÁTH, P. – MIHÁLIK, J.: *The electoral paradigm and its impact on performance of municipal and regional administration – the case of the Czech republic and Slovakia* In *Innovative Issues and Approaches in Social Sciences*, Vol. 5, No. 2.

² ŠVIKRUHA, M.: *Regionálna samospráva na Slovensku – súčasný stav a možnosti budúceho vývoja* In: JUHÁS, P. (ed.) *Regionálne voľby 2013 na Slovensku - výsledky, dôsledky a budúcnosť*. Trnava: FSV UCM v Trnave, 2014.

which was previously rather „ statistical unit ", becoming a full-fledged mechanisms disposing own authority, resources, provide specific services directly to citizens, whether they permit effective implementation of the various policies of education, economic and social development and the like.¹ Švikruha and Mihálik also stresses the importance of decentralization.² Individual competencies for municipalities in reforming gradually increased their importance. They are providing services to citizens, to ease the implementation of central policies to local authorities, more effective problem solving etc.

Majority voting system is based on the principle of single-member districts, where the candidate with the gain the greatest number of valid votes cast by voters obtained a mandate in a given circuit. Clearly declared by Act no. 346/1990 Coll., Which states that the choice of mayors in municipalities / towns voters vote in single-seat constituencies where the whole town / city forms one circuit. Specific case, for the elections to local councils and towns. Voter on the ballot elected more representatives. Prior to the elections on the basis of the aforementioned law determines the number of seats allocated in individual districts. In this constituency thus voters to vote / voted for the most number of members so that it is in this circuit is determined to occupy parliamentary seats in the council of the whole city or town. If e.g. allocated in a given circuit 4 seats, the voter has the right to elect the candidates to 4 times. Those representatives who are after complete census of valid votes cast for the top four, gaining mandate.

The positive side of criteria to facilitate the transfer of electoral votes into mandates are absolutely easily and quickly after the election to say how many seats were occupied and by whom. Klíma³ represents the view that proportional electoral systems are so much more complex mathematical calculations and timing of electoral votes to the number of seats to be allocated in any particular election. In the majority voting system we do not require complicated conversion of votes to mandates, because we choose a specific person. Therein lies the advantage of simplicity as the electoral system.

¹ PILÁT, J.: *Samospráva na Slovensku: trendy a problémy* In MESEŽNIKOV, G. (ed.). *Komunálne voľby 2002*. Bratislava: IVO, 2003.

² ŠVIKRUHA, M. – MIHÁLIK, J.: *The more the merrier? Strengthening the role of regional governance over the fragmented municipal political system* In *Journal of Universal Excellence*, December 2014, Vol. 3, No. 4.

³ KLÍMA, M.: *Voľby a politické strany v moderních demokraciách*. Praha: RADIX, 1998.

Several authors rightly points out that a majority voting system is much larger drop of votes than in proportional system.¹ A large number of votes, the mandate is not obtained, they were simply not distributed. The choice is thus quite a loss.

Local interests are mainly based on deficiencies that government count. Define the need to solve them as soon as possible and as efficiently as possible. The interests of municipalities and cities at first glance may coincide with societal shortcomings. Example which Velšic the election of 2002, when the public inquiry prevailed in municipalities main issues of unemployment as well as at national level. The associated lack of jobs, poor wages, layoffs in times of crisis and so on. Velšic, however, that the interests of communities differ significantly mainly on the size of villages and towns. While in the smallest villages to approximately 5000 inhabitants dominated by major themes of modernization (cleaners, cultural houses, sewers, roads ...) in medium-sized cities themes resonate more unemployment, housing, growing criminality etc. as well as in major cities is more a interests spend more clean city parks, public spaces, issues with dog owners, in public transport fares and so on.²

Strussová that her research focused on the local elections in Banská Štiavnica found actually applicable to the whole of Slovakia. They evaluated in the research interests of the residents of the city and a real change from councils and the Mayor. Most positively evaluated the activities that were directed to the prosperity of the city. From research follow an important benefit of the whole city, not just individual components.³ The research is noticeable size united by their concern for the benefit of the whole village/ town. It is necessary participation of citizens and elected representatives themselves.

Self-government at the municipal level is using tools from many administrative, through information, infrastructure to funding. They agree that based on the contents of system tools (countrywide), thus helping to meet the nature of local politics.⁴ Other definitions emphasize the democracy of the process of creating policy as a whole, where specifically

¹ CHYTILEK, R. – ŠEDO, J. – LEBEDA, T. – ČALoud, D.: *Volební systémy*. Praha: Portál, 2009.

² VELŠIC, M.: *Komunálne voľby, lokálna demokracia a samospráva v optike verejnej mienky* In MESEŽNIKOV, G. (ed.). *Komunálne voľby 2002*. Bratislava: IVO, 2003.

³ STRUSSOVÁ, M.: *Obecná samospráva na lokálnej úrovni* In FALŤAN, Ľ. (ed.). *Podoby lokálnej demokracie v Banskej Štiavnici*. Bratislava: Interlingua, 2001.

⁴ ŽÁRSKA, E.: *Komunálna ekonomika a politika*. Bratislava: Ekonóm, 2007.

in terms of local politics maximize prosperity at a closed community. This part of the company is so completely circumscribed, which apparently acts as an independent unit, but is supplemented by the legal limits of the national policy.¹ Hrašková also highlights the main socio-economic development of the village / town where a given community elects its representatives or be elected directly and contribute to the development of the local government according to the actual needs of the majority.² Each theory is essentially a confirmation of the principle of subsidiarity, which means a shift of competences as close as possible to the citizens. They know best what the needs of municipalities and on the basis that they may act independently of other municipal units throughout the company of a State. This is the guiding principle of local politics.

For the functioning of any community it is important to include the largest possible number of members in shaping their environment. Final claims of several types of interactions that take place between each member / citizen city or town. This, for instance the formal or informal cooperation, opposition, assimilation, accommodation or confrontation. These five elements form the basis of any civic participation.³ To adapt to the needs of the participation of local politics, then it will go mainly on the active participation of citizens in public policy in the space bounded by the unit, which is the government. As a whole operates on the principles of rights and duties for all citizens without distinction. From the family relationships using participation it gets to professional political level.

Regional elections and municipal elections in Slovakia have their similarities.^{4,5} This is mostly for elective council and the presidents / mayors. The big advantage is much more likely for citizens (they are active candidates) to be voted in self-governments such as the parliament. In this respect, it may be options for residents of municipalities more attractive.

¹ BUČEK, J.: *Komunálna ekonómia a komunálna politika*. Bratislava: Univerzita Komenského v Bratislave, 2006.

² HRAŠKOVÁ, D.: *Komunálna politika na Slovensku* In *Verejná správa*, 2008, n. 5.

³ KONEČNÝ, B. – KONEČNÝ, S.: *Otvorená komunálna politika: teória a prax*. Bratislava: MAYOR, 2009.

⁴ GARAJ, M.: *Voľby do VÚC 2013 na post predsedu: Analýza výsledkov v Banskobystrickom samosprávnom kraji* In JUHÁS, P. (ed.) *Regionálne voľby 2013 na Slovensku - výsledky, dôsledky a budúcnosť*. Trnava: FSV UCM v Trnave, 2014.

⁵ VELŠIC, M.: *Komunálne voľby, lokálna demokracia a samospráva v optike verejnej mienky* In MESEŽNIKOV, G. (ed.). *Komunálne voľby 2002*. Bratislava: IVO, 2003.

As noted above, residents using active and passive suffrage. Active suffrage means in this respect the right to actively elected by direct, secret, universal and equal suffrage. Majority voting system for the people voters elect their representatives to the council of a municipality or town and city mayor. Most of the existing research deals with the currently active suffrage. It is known as the most used form of voters / citizens government. And therefore, as noted in the introduction paper, the orientation of the researches of interest in local elections widely focused on active suffrage. It is used mainly percentage of the voters in specific elections. Turnout, that is active right to vote, so the determining variable showing the interest or lack of interest in municipal politics, resp. election.

However, if we focus on the second voting rights, ie the right to be elected, which is called passive suffrage, we can come to different results. Research and statistical data available are mainly oriented to the elections. The results of how many candidates running for the post of mayor / mayor are recorded. But to find out how many candidates stood in elections to the council of a municipality or city, such data Ministry of Interior or the Statistical Office unrecognized. This is also evident from the communication section of the notice provision of statistical products and services from the Statistical Office.¹ For a full examination of passive voting rights are required several steps. Reach specific self-government, to determine the number of candidates for individual seats and the number of allocated seats. The exact „recipe" or instructions on how to on research of passive suffrage, explained in the next section.

2 ACTIVE AND PASSIVE SUFFRAGE IN MUNICIPAL ELECTIONS IN SLOVAKIA

Basic data to demonstrate the interest of residents of municipal elections in Slovakia is the analysis of active suffrage (voting turnout).

242 | ¹ ŠSTATISTICKÝ ÚRAD SR.: *Počet obyvateľov k 31. 12. 2014: obce*. [online] 26. 09. 2015.

Table 1: *The percentage voter turnout in local elections in years 1994-2014*

ROK →	1994	1998	2002	2006	2010	2014
% →	49,79	53,95	49,51	47,65	49,69	48,34

Source: Created by: Statistical Office

Based on the average about 50% stake in Slovakia dominates the view of low interest on the part of citizens to participate in the functioning of government. Voter in a particular authority is often much lower than the national average. Another view, however, offers analysis directed to the number of candidates for one seat in local elections (elections for mayors / mayors-council elections). Through this „coefficient" has a population of interest for municipal elections have higher values.

Table 2: *The number of candidates for one seat (local government/ mayor) in selected cities between 1994-1998*

CITY	1994		1998	
	local government	mayor	local government	mayor
<i>Piešťany</i>	4	10	4	10
<i>Senica</i>	4	6	3	7
<i>Rožňava</i>	5	12	9	10
<i>Michalovce</i>	5	13	6	14
<i>Komárno</i>	5	8	7	7

Source: Created by: Statistical Office

Table 3: *The number of candidates for one seat (local government/ mayor) in selected cities between 2002-2014*

CITY	2002		2006		2010		2014	
	LG	M.	LG	M.	LG	M.	LG	M.
<i>Malacky</i>	6	5	4	3	4	4	4	8
<i>Michalovce</i>	7	6	7	11	4	5	5	6
<i>Rimavská Sobota</i>	5	9	5	4	5	10	3	4
<i>Martin</i>	6	6	6	7	7	5	5	10

Source: Created by: Statistical Office

Analysis of the number of candidates per one mandate in the elections in municipalities so supportable assumptions much higher numbers (interested directly participate) than in the actual act of choices of someone else. The contribution is directed to statistics, the rate of passive and active suffrage in municipalities throughout Slovakia.

3 CHARACTERISTICS OF RESEARCH ACTIVE AND PASSIVE SUFFRAGE IN LOCAL ELECTIONS IN SLOVAKIA

The project will be realized cca in august 2016. The aims to demonstrate a statistically realistic level of active and passive suffrage in municipal elactions in Slovakia. The project is the first of its kind since the relevant researches are focused only on voter turnout in the elections to demonstrate interest in municipal politics.

Research topic:

Active and passive suffrage in municipal elections in the Slovak Republic from 1993.

Research questions:

1. What were the results of voter participation in various local elections (1994-2014) in villages and towns in Slovakia? (Analysis of active suffrage).

2. What was the number of candidates for one seat (Involve) in local elections (1994-2014) to municipal councils in Slovakia in towns and

cities? (First part of the analysis of passive suffrage).

3. What was the number of candidates for one seat (Involve) in local elections (1994-2014) for the posts of mayors / mayors in Slovakia in villages and towns? (Second part of the analysis of passive suffrage).

3.1 Materials and methods for the project

Research should be divided into two separate parts. Author of the project was made by a smaller survey, according to which the following steps are suggested.

1. In the first phase, the focus should be on active suffrage, respectively. the results of voter participation in each municipality (about 140 towns and 2,931 villages) from 1994 to 2014. The data are publicly available on the Statistical Office of the Slovak Republic. The results will be shared also by region. The project included a comparison of the results of the government with the results of the nationwide average voter participation for easier explanation for the findings.

2. The second stage of the research is focused on passive suffrage (also all towns and cities and the years 1994-2014). It is divided into two parts. The first part consists of an analysis of the results in the elections to local councils and towns. This phase of the research is the most complicated and time-consuming the most. First we need to reach the municipality itself and request from them information on individual local elections (1994-2014). It must first request the data on the number of seats to be allocated to local councils in a given year (due to the fact that the number of mandates are amended drastically decreased after 2001). Then, and this is the most crucial source of information for research, should be sought total number of candidates who were candidates for the various posts in the council. To demonstrate the level of commitment we have used our own survey called. „Coefficient level of commitment". The ratio of the total number of candidates to the council in a given year to the number of seats to be allocated. It must reckon with the fact that they come decimals. We used only integers which represents a complete candidate. Coefficient obtained so each represents a number of candidates for one seat in the elections to local councils.

3. The second part of the second phase of the research consists of an analysis of the results of the elections for the posts

Mayors / lord mayors. Data collection is at this stage relatively easier than the previous. From the very government must ask the number of candidates for the post of mayor / mayor in the years proceeding the municipal elections.

In the survey we also found that some data (especially 1994 and 1998), governments no longer registers. Advance research suggest flexibly interact with the State Archives of the Ministry of Interior, which should dispose of missing data.

For easier than summarizing the results of the elections to local councils, as well as the election of mayors / mayors, we used the color scheme of the values obtained.

Table 4: *N.C. – number of candidates for one seat*

0-2	3-4	5-6	7-viac
LOW N.C.	MEDIUM N.C.	HIGH N.C.	VERY HIGH N.C.

Source: Author

0-2 candidates for one seat is in our opinion too little to ensure that we are talking about democratic choice. These values will be identified in the resulting table in red and such low level of engagement. The median rate values are 3-4 candidates that we consider optimal numbers for voter choice in choosing for a given post. High values in our survey amounted to 5-6 candidates, and very high values of more than 7 candidates for one post. This will procedure as the mayors / mayors, as well as the election of representatives to local councils.

The project results are achieved, it is necessary to consider the interest of the people by the municipal government policy, not only through the active suffrage, but also through passive. The great advantage of research that we initiate is that it is quantifiably / statistically verifiable. Numbers nepustia featuring a real level of commitment in terms of citizens in local politics. The analytical use when examining the interest in this kind of policy that takes on a completely different dimension than the previous researches.

The key analytical framework of the project is the statistical expression of active and passive voting rights in local government. The project is mainly on the quantitative research, statistical processing of a large number

of data to answer research questions. The project will be processed using the statistical program SPSS (required) by an overview tables, graphs and diagrams.

It is an important method of active communication with local governments in Slovakia and the Slovak Statistical Office (or state archives and a separate Ministry of Interior). Supplementary research method is also e-mail, telephone or personal communication with stakeholders.

Comparison of quantitative analysis of active and passive suffrage in local governments in Slovakia, the project wants to demonstrate a higher degree of involvement of citizens in the form of direct self-governing candidacy for the post as motivation „go to vote for their candidate“.

CONCLUSION

Contribution responds to the relatively stable current topic of interest inhabitants governments on municipal policy. In the theoretical part we defined mainly the difference between the majority and proportional voting system. Furthermore, we have defined the communal interests and rights and duties of citizens themselves in local politics. We conducted a survey of its own citizens involvement in selected cities in Slovakia. The research question was: Can analysis of passive suffrage to show better/precise results of participation in local elections than in the active suffrage? We used own original analytical framework that we want to use in the national research this topic. The paper is accompanied by clear tables and explanations about the procedure applied methods in potential research. The research will be full realize in year 2017. This contribution represent a way how to analyze passive suffrage also in other elections (not only active suffrage). Big advantage of this research is exact statistical analysis.

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E-GOVERNMENT SERVICES USING NFC TECHNOLOGY

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Abstract

The topic of this paper is NFC (Near Field Communication) technology for short distance wireless communication in the context of its capability to improve existing, traditional government processes. Certain alternatives during the transition from traditional government forms to e-government are considered. NFC technologies stem from existing RFID technology and are currently in a mature state. Further development of NFC applications is expected with a number of current and upcoming NFC-capable Android phones. This work will analyze characteristics, capabilities and classes of problems that can be solved by these technologies and, on the opposite side, the needs of e-government and possibilities for implementation of said technologies in existing processes. NFC technologies are considered not individually, but as a part of a wider technological landscape, with a special focus on their integration with mobile technologies and Internet. This integration is of special interest because it allows users to replace a number of items like cards, personal identification documents, other documents, relevant in interactions with government, with their cell phones. Special attention was given to interactions between government and citizens for their frequency and large scale and impact on citizen satisfaction thanks to a large number of users. A review of NFC use in e-government and other, similar contexts where solutions and best practices can be transferred is given. Based on this review, a model for use of NFC technology in e-government was given, along with methods and guidelines for implementation.

Key words

e-government, communication, NFC, technology

INTRODUCTION

Rapid development of information technologies, evident during the last several years, has created favorable conditions for improvement of

all aspects of human activity. Every government represents a complex, all-encompassing system, composed out of a number of hierarchically ordered organs that communicate between themselves and with other entities – citizens, private organizations, companies, foreign institutions, etc. This system represents a fertile ground for implementation of said technologies.

While a number of papers suggests measures targeting improvement of existing processes and introduction of new ones, based on paradigms established by modern communication technologies, others focus their efforts on problems typical for environments that experience rapid introduction of new technologies without a general plan – problems relating to the standardization of protocols, processes, data, integration of diverse systems and centralization of services. An ideal solution would most likely require centralization of service provision in a single spot, not physically, but through a standardized interface that would serve as a primary point of access. Although a number of governments are currently developing such solutions and attempting to reduce the number of necessary interactions with service consumers to the absolute minimum, it is still a significant leap forward that will require a number of transitional steps and solving certain technical and social problems. Technical problems most considered in the domain of G2C and e-government include citizen identification and data security, while social problems include the questions of technology acceptance and citizen education.

The functioning of the modern society is heavily dependent on the information and communication technologies. Actions taken by individuals and organizations in physical world are mirrored by rich flows of information in the virtual domain. Information can take many forms and be used in many different contexts, subject to different technical and business constraints. This reality has engendered many different, seemingly competitive technologies and models of communication that have found specific domains of use.

Governments have traditionally been slow to experiment with new technologies for interacting with citizens. By nature, all citizens of a single country represent an inherently diverse group, and any changes to existing routines should start as being optional, gradual, and accompanied by processes of educating the citizens. Internet has already provided many incentives and spatially and temporally simplified interactions in all areas of human activity, but at the cost of imposing a higher cognitive load on

the users. There is clearly room for technologies that would reduce this load. NFC technology, with its “touch” paradigm, reduces interactions to a level familiar to users, based around physical manipulations of objects. An NFC-capable device can replace many physical objects like keys, cards, tickets, coupons and vouchers, pamphlets, and documents. This is a good fit for the needs of government institutions where simple, efficient interactions with citizens on a large scale can provide great benefits to both parties.

The subject of this paper are the possibilities of applying NFC technology in e-Government in order to improve the existing processes and interactions with citizens. The main goal was to define a flexible model of applying NFC and other complementary technologies in local e-Government. The model is based on an analysis of NFC capabilities in diverse contexts and adjusted to the constraints and possibilities provided by the social and technological environment. The model identifies some basic technologies that should complement NFC and possibilities for integration into existing systems. Some general remarks and recommendations considering implementation are briefly mentioned, opening up possibilities for more technical future works.

1 NFC TECHNOLOGY AND APPLICATIONS

Near Field Communication technology encompasses a set of standards for communication over very small distances. NFC is built on the existing Radio-Frequency Identification (RFID) standards, sharing the same basic principles of functioning. These technologies are based around tracking, identifying, reading from, and writing to miniature information-carrying chips called “tags”. General areas of application of these tags are diverse and include access management, tracking of goods, persons, and animals, contactless payment, and sensor networks, with many new areas still being explored.

NFC adjusts and improves some of the parameters of RFID and is used for similar purposes. The basic principle is the same – communication is performed between an “initiator” and a “target”, target usually being a passive tag in the form of a sticker, powered simply by the presence of an electromagnetic field generated by the initiator. Unlike RFID, NFC is specifically configured to work on very small distances, usually smaller than 10 centimeters. This makes NFC suitable for crowded areas

and makes it almost impossible to establish a connection accidentally. A simple touch of two devices or a device and a tag can then initiate an action like sending a message, downloading content, controlling devices in the environment, performing a payment, etc. Short range of communication increases safety and connections are established much faster than with Bluetooth and other similar technologies since the user needs not perform any configuration and identification of devices.

NFC has found many applications, most of them previously being implemented through RFID technology. In many cases, NFC only replaces or augments other, existing technologies. One technology often used in similar situations are Quick Response (QR) barcodes which can also be used to tag objects (posters, products in stores, documents, etc.) in environment. When combined with other technologies, networks, sensors, remote processors, and information displays, NFC can play a large role in execution of many different Ambient intelligence scenarios.¹ Ambient intelligence denotes intelligent electronic environments where users interact in a natural way with network-connected information and intelligence. These environments attempt to expose only the interface to the users, hiding the underlying technology and complexity from view. NFC and its “touching paradigm” allow for creation of intuitive interfaces through use of “touch tags” that are used to initiate actions and interact with the environment.² When properly used and combined with intelligent mobile applications, touch points can simplify and automate otherwise complex processes. However, tags need to be carefully designed to attract attention, and augmented with visual elements explaining the method of their use and the action that will be triggered upon performing a touch. They can be combined with speakers and wall displays to provide feedback to the users.³

Ticketing is one area where NFC has been widely accepted for numerous benefits it offers to both the consumers and the system operators. NFC can be used for any system that features ticket-based access rights: public

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² BORREGO-JARABA, F., LUQUE RUIZ, I., AND GÓMEZ-NIETO, M.Á.: *A NFC-based pervasive solution for city touristic surfing*. *Personal and Ubiquitous Computing* 15, 2011, pp. 731–742.

³ PYYKKÖNEN, M., RIEKKI, J., ALAKÄRPPÄ, I., SANCHEZ, I., CORTES, M., AND SAUKKONEN, S.: *Designing Tangible User Interfaces for NFC Phones*. *Advances in Human-Computer Interaction 2012*, 2012, pp. 1–12.

transportation, cinemas, concerts, museums, conferences, sports events, amusement parks, airports, etc. Unlike NFC devices, paper tickets can wear out or get lost easily; if user possesses adequate applications, a NFC cell phone can replace any number of tickets or payment cards. Tickets can also be obtained electronically, on spot through NFC, or by using Internet at any moment to download them to the phone.

Performing payments using mobile phones has been tested in several forms, using SMS messages,¹ RFID in combination with GPRS,² and other methods. Increased capabilities of modern smartphones enable modalities of use inherent to Internet capable devices, allowing users to perform remote payments at any place and any time. Still, these methods are usually more complicated for use on small screens and are detached from context. Phones are less popular for payment purposes than smart card technologies.³ NFC represents an integration of these technologies into mobile phones, engendering a synergy effect. Proximity payment technologies like NFC enable simple, on-spot payment to be performed by a single touch. NFC-based payments function similar to ticketing, replacing credit and debit cards. Contactless technologies are more efficient and faster than cash transactions, while being more durable than similar contact-based technologies. The NFC technology is very flexible since smartphones can support any number of different applications, and is scalable in terms of network.⁴ Existing payment sites using compatible technologies can be used with phones as well as with appropriate plastic cards. With payment process functioning identically to traditional card-based processes, and reusable existing technology, NFC payments systems have already been tested and implemented in many places. Payment account information is kept safe by encrypting and storing data into a secure component in the phone.

¹ HARB, H., FARAHAT, H., AND EZZ, M.: *Secure SMS Pay: Secure SMS Mobile Payment model (IEEE)*. 2008.

² LIU, W., ZHAO, C., ZHONG, W., ZHOU, Z., ZHAO, F., LI, X., FU, J., AND KWAK, K.: *The GPRS Mobile Payment System Based on RFID*. 2006 International Conference on Communication Technology, November 2006.

³ ONDRUS, J., AND PIGNEUR, Y.: *Cross-industry Preferences for Development of Mobile Payments in Switzerland*. *Electronic Markets* 17, 2007, pp. 142–152.

⁴ ONDRUS, J., AND PIGNEUR, Y.: *Near field communication: an assessment for future payment systems*. *Information Systems and e-Business Management* 7, 2008, pp. 347–361.

An example of a government-related NFC-based payments is the “Touch’n’Pay” system, a part of a three-year project called StoLPaN (Store Logistics and Payment with NFC). This system allows citizens to pay taxes by touching tags placed at post offices and similar locations, after registering with the government. The goal of this system is to allow easy payments and reduce queues at Italian public offices.¹

Objects that contain readable NFC tags intended for general public are called Smart Posters and can take several forms – posters, billboards, magazine pages, three dimensional objects, etc. These posters can provide context or location specific information to users, usually in the form of links to specific Internet pages. A common use is in marketing for provision of additional information about a featured product, or for offering special discounts and coupons. More complex systems can provide even more relevant information based on the users previous interactions with the system, for instance by checking tickets or coupons already stored in the user’s phone. Indoor and outdoor posters can also be used to facilitate tourism by placing them at the locations of tourist attractions.² These posters can contain a detailed description of their location and references to other nearby locations of interest, along with maps for navigation.

One simple use of NFC is to allow a device to connect automatically to a Wi-Fi network or to pair up with another device using Bluetooth. All connection settings are configured automatically by simply tapping a tag or another NFC-capable device. This provides the users with the best of both worlds – quick and easy connecting is provided by NFC, and other technologies provide a higher speed and range.

There are a number of less prominent, but interesting areas of application of NFC technologies. Hotels can send hotel rooms “keys” to their customers at the moment they make an online reservation, eliminating the check-in phase. NFC passive tags are cheap enough to allow tagging some types of products like medications with important information about their use. Applications can read out aloud the content of the tag using synthesized voice to assist persons with impaired vision. Since passive NFC tags are very cheap, some researchers explore the possibilities of building more

¹ CEIPIDOR, U.B., MEDAGLIA, C.M., MORONI, A., ORLANDI, G., AND SPOSATO, S.: *NFC: Integration between RFID and Mobile, state of the art and future developments*. 2008.

² BORREGO-JARABA, F., LUQUE RUIZ, I., AND GÓMEZ-NIETO, M.Á.: *A NFC-based pervasive solution for city touristic surfing*. *Personal and Ubiquitous Computing* 15, 2011, pp. 731–742.

complex NFC-based interfaces and the methods of interaction with them.¹ NFC tags are often used to enrich physical locations or objects with virtual information. One research has attempted to use an existing infrastructure of passive NFC tags to build a wiki system for describing locations. The users can touch any tag, access its article if it exists, or create a new one if it does not. This system applies both NFC concepts (enriching objects with information) and concepts of wiki pages, where anyone can collaborate by editing articles or even adding new tags to the system.²

An analysis of relevant research papers that was performed for this work has revealed a significant lack of works describing uses of NFC in e-Government. The reason for this might be that the technology itself has not matured enough to be implemented in such, more stable environments. Still, almost all of the uses of NFC explored in other areas are applicable to the context of e-Government, and can augment the interactions of government with citizens. With many new NFC-capable devices becoming available lately, this area should be further explored and solutions developed to be ready for when such technologies become ubiquitous.

According to the results, most of the services targeting individual citizens are still offered in their traditional form. Documents that can be ordered over the Internet incur additional costs on citizens, thus discouraging their usage. For modern technologies to be widely accepted and to replace existing processes in e-Government, there should be no trade-offs to their use. Finally, although there were no fully virtual services targeting individual citizens, the general information content of the site was at a satisfactory level, and links were provided to local and regional public companies where some (Belgrade waterworks, Belgrade electro distribution and Infostan) offered said services in the form of online access to bills. Still, there is a lot of room for improvement, and it is important to note that there were no services requiring personal presence but using virtual documents.

¹ BROLL, G., REITHMEIER, W., HOLLEIS, P., AND WAGNER, M.: *Design and evaluation of techniques for mobile interaction with dynamic NFC-displays*. Proceedings of the fifth international conference on Tangible, embedded, and embodied interaction - TEI '11, 2011, in New York, New York, USA.

² SIIRA, E., TUIKKA, T., AND TORMANEN, V.: *Location-Based Mobile Wiki Using NFC Tag Infrastructure*. 2009 First International Workshop on Near Field Communication, February 2009.

When considering the benefits of NFC in e-Government, it is clear that any process using NFC would still stay in the domain of physical interactions. However, there is potential to improve the other dimension by replacing some of the paper documents with virtual versions stored in citizens' NFC-enabled cell phones, similarly to NFC applications like ticketing. This naturally places the area of influence of NFC technology in the upper left corner of the model. Since the global movement is from the bottom left to upper right corner – from physical to virtual, a valid question that needs to be considered is whether this technology is worth implementing in e-Government, or should other, more virtual options be explored instead?

The best the NFC technology can do is to provide a certain level of virtualization and simplification of certain processes that must be performed personally by citizens. Still, some of previously stated problems are relevant for application of NFC technology. The main problem would be the need to educate citizens of methods of NFC use, and to accommodate those that do not own NFC-capable devices. Similar to best practices of software engineering, an NFC-based model for e-Government would need to integrate into the existing environment and employ other technologies and approaches in order to enable graceful degradation of provided services. Some technologies that could complement or replace NFC in certain scenarios are QR codes, Bluetooth, Wi-Fi, touch screen information displays etc. Other than that, a baseline approach using traditional paper documents would still need to exist at the core of the model.

2 A MODEL FOR APPLICATION OF NFC TECHNOLOGY IN E-GOVERNMENT

The model provided in this paper encompasses several components. Some of these components can function independently from other NFC-based components presented in the model. This allows e-Governments to build a system according to their needs and scale it according to their financial capabilities. Gradual addition of new components can also be used as a way to familiarize the citizens with NFC capabilities without overwhelming them. The components themselves are given in various complexities and using various technologies, where possible.

256 | Local governments that already possess some of the equipment can

opt for alternatives that utilize it, thereby cutting their expenses when implementing NFC. Another point of differentiation in scenarios is the existence of a dedicated mobile application that would interact with the system. Such application could further simplify NFC interactions and inject additional value by providing other options, some even outside of the context of local e-Government. This variant is considered as the best option, but other, more generic options are possible, requiring the citizens to manually handle certain actions.

2.1 Providing wireless network access with automated connection establishing

A NFC-supported intelligent environment provided by government institutions for citizens would rely on information transfers from citizens to government and vice versa. Passive NFC tags are suitable only as action initiators since they can contain only small amounts of data. Active tags can be connected to a network and provide digital content, allowing transfer of any amount of data, but low speeds and small range still make them inappropriate for such tasks. Government institutions should provide free, wireless Internet access to all citizens on their premises. The citizens can then use their Internet-capable devices to connect to the wireless network before performing any necessary tasks. Otherwise, the use of NFC tags that rely on an Internet connection will incur additional expenses on citizens. This should be avoided, as it impedes acceptance of new technology.

The process of connecting to the wireless network can be made faster by using special NFC “connection” tags. A user can touch a tag with his device and a connection will be instantly established. This tag should be placed at the entrance to the government institution and, preferably, close to any other groups of NFC tags. Even if no other components of the model are implemented, free Internet access can have a positive effect on the citizens’ satisfaction. The NFC connection tag itself can be omitted from the model; the important point is the existence of a network supporting advanced scenarios. The only problem can be the question of security. This network should be isolated from other, internal systems of a government institution. With proper filtering of network activity, any misuse can be avoided. If needed, only NFC-initiated actions and access to government sites can be allowed.

2.2 E-Government application and application acquisition

As previously stated, the existence of a dedicated e-Government mobile application would simplify and enrich other NFC interactions in the presented model. It would also avoid many of the problems stemming from the fact that not all kinds of NFC interactions have currently been covered by standards. Different devices may natively react differently, or not react at all, when brought into contact with some tags. Such an application could first contain a core set of NFC-related functionalities that could be developed quickly and then put to a test. Additional functionalities could then be added following the implementation of more NFC-based functionalities in local government institutions. This application could also present information and provide functionalities based on existing e-Government online services, providing a unified mobile experience to citizens. While several applications would have to be developed for different mobile platforms, version for Android phones should have a priority since it would cover the largest percentage of NFC-enabled phones. The application should be designed to be easy to use, and various explanations of common tasks should be provided within the application.

This application should be made easily discoverable by presenting it on both the government sites and sites that aggregate applications for different mobile platforms. Acquisition of this application could also be made easier using NFC tags that would, when touched, initiate download to the users phone. Different tags providing download of versions for different platforms should be placed next to each another, preferably near the entrance and near a connection tag. A poster explaining the acquisition process should be placed right next to these tags and links to more detailed explanations and paper pamphlets should be provided.

2.3 Queuing and scheduling visits

Some government services require citizens to schedule their visit in advance, which often requires two trips to the government institution. Scheduling in advance can often be performed over the Internet, and an example is using eUprava portal to schedule a visit to submit papers for issuance of a personal identification card. In cases of services that tend to be congested, ticketing systems are implemented. Citizens are given paper

tickets with numbers and times when they will be provided the required service.

In the first scenario, there isn't much benefit from using NFC technology alone. Users will likely use Internet to schedule their visit instead of coming personally. If the user possesses an e-Government mobile application, this process can be reduced to a simple press of a button. The application can perform the scheduling automatically and download a virtual "ticket". If the mobile device is NFC-capable, the citizen now has several possibilities. A NFC tag can be placed near the entrance of the institution, or near the section for which the scheduling is performed. The citizen can touch this tag, thereby marking himself as "present" in the system. Government employees at the counters can then call him as soon as an opening is made, possibly even before his scheduled time. When called upon, the citizen's application could present the ticket in several forms. A NFC reader can read the ticket from the citizen's device. If the device is not NFC-capable, the ticket information could be displayed in the form of a QR code and read by any QR code reader. If no NFC or QR readers are available for this purpose, a basic presentation could be selected, simply listing all relevant information on the screen of mobile device for manual reading.

The second scenario doesn't allow for scheduling in advance. In this case an existing ticket-issuing device can be replaced or modified to provide NFC tickets along with regular, paper ones. If the citizens need to be forwarded to separate offices after taking the tickets, the information on their location can be presented on the mobile device. Another variant, similar to the first scenario, is when a visit is scheduled in advance, but only after some documents have been personally submitted, or after a meeting with a government employee has been finished. In this case, a similar NFC device can be present at the counter or in the office. The citizen can then receive all needed information for the assumed next step of the process. This component of the model can be applied to other institutions with similar needs outside the scope of local government, for instance, in public health institutions.

2.4 Preparing submission forms

Most citizen-government transactions are based around submitting and receiving documents. Often, these are forms that need to be filled in with

some information by citizens. Even with the existence of online methods of submission, these transactions are usually performed personally. Some transactions do not have online alternatives, while others are too complicated and out of reach for many citizens; some result in more paper documents that still need to be handled personally. In such cases, NFC and other technologies can improve and speed up existing processes. There are three steps when manipulating paper forms – acquisition, filling out and submitting the form. This component of the model describes how first two steps can be improved using NFC.

The paper forms can be classified in two groups – those that can be printed out at any printer and those that must be bought pre-printed. Documents from the first group can be acquired digitally, and this process can be augmented using NFC and other technologies, while the latter must keep their paper form at all times.

A mesh of NFC tags can be provided at a visibly marked location within a government institution, where each tag would correspond to a certain type of document. For certain documents that are more commonly used, larger tags outside of the mesh can be provided. All tags must be captioned clearly, and preferably grouped by type or purpose in order to be easier to find. When a citizen touches a tag, a corresponding document will be downloaded to his phone. An alternative method would be to provide a device with a touch screen and a single, active NFC tag, where users can first select the type of the document on the screen, and then acquire it by touching the “loaded” tag. This would likely require more manual actions from the citizens, but would allow additional information about the selected document to be presented on the display screen before transfer.

A mobile e-Government application could provide a large benefit to this scenario. The application could allow the user to input and store some of his personal information like the name, personal number, birth date, place of residence, and so on. Then, when a document is acquired, the application could recognize all standard fields on the form, and fill them in automatically. The citizen would then need only to fill in the missing fields, and fields like the “signature” field that must be filled in manually. The application could also provide this functionality independently of the method of acquisition, and behave the same when documents are downloaded manually. In order to allow for this, all relevant documents

taxonomy¹ and all form fields would need to be semantically annotated. The application could then use certain rules to correlate citizen's personal data and form fields of different documents.

The next step is the printing of the document. Government institutions should provide a free printing service for all standard forms that are submitted from citizens to government. An NFC tag can be placed next to a printer. When a citizen touches this tag, documents previously selected by touching "document" tags will be sent to printing. Fields that were automatically filled in by the application will be printed as such. For citizens that do not use NFC, a display with a selection of printable documents should be provided. If an institution does not want to finance the printing of documents and continued printer maintenance, it can cooperate with nearby printing shops that usually use their proximity and specialize in printing government forms. For a small expense, these shops can set up the same NFC-based printing system with their existing printers, and charge the same price for printing. This approach still keeps the benefit of automatic form completion, but is not convenient for the citizens, taking more time and incurring expenses on them.

Several other technologies and their combinations could be used to provide viable alternatives to these scenarios. The main point of these scenarios is the simplicity, and, assuming that the citizen possesses an e-Government mobile application, and that the printing was provided for free, the scenarios outlined above are fairly simple and require only a few touches (using a touch screen or NFC tags) to complete any action.

2.5 Document submission

The final step of most interactions with a government institution is the document submission. NFC can help when a submission must be performed personally, but the data in the submission form ends up in a digital format after a submission and a physical signature is not needed. In that case, the interaction scenario can be simplified to skip the printing of a document. The citizen can pick up a document using NFC, manually type in any fields that were not filled in by the application, and then tap a NFC reader at the counter to transfer the filled-out digital document.

¹ DADIĆ, J., DESPOTOVIĆ-ZRAKIĆ, M., BARAC, D., PAUNOVIĆ, L., AND LABUS, A.: *Managing eGovernment Information Resources Using Faceted Taxonomy*. 12th European Conference on eGovernment (ECEG 2012), 2012, in Barcelona.

2.6 Information kiosk

Information kiosk can be used in combination with several components of the presented model, usually in order to provide citizens without NFC devices with the similar functionality. Ideally, an existing interactive display can be reprogrammed to cover all of the alternative, non-NFC scenarios described in this paper. This kiosk can then be used to issue tickets (both paper and NFC-based digital ones), to select and download documents to a mobile device when active NFC is used for that purpose, to select documents for printing when not using NFC tags, and to provide additional, general-purpose information about the government institution. Another use scenario can be to allow citizens who already downloaded documents to their phone to review them on a larger screen by synchronizing their mobile device with the display.

A sufficiently complex interface could allow the entire document acquisition/printing scenario to be performed without using NFC. The citizen could select desired documents and send them to printing using an interactive display. There are few potential drawbacks of such a system. The NFC system's interface can be distributed in physical space and easy to understand from context; the display's interface must provide same functionalities in a limited space. In that case, because of the increased importance of this single component, it could represent a choke point for the entire system. Finally, using a mobile application as an intermediary allows the use of citizen's personal data, safely kept inside of his mobile device, for automatic fill-in of form fields. However, a transfer of information in opposite direction, from phone to information display, could be initiated using NFC, allowing automatic fill-in even in this scenario, making it a comparably viable solution.

2.7 Payments

Many of the citizen-government interactions require that the citizens perform a payment to a specified account and then provide a proof of payment when submitting documents. Existing NFC payment applications could be used for this purpose. After performing a payment, the citizen would receive a digital confirmation that could be submitted to the government institution by touching a reader on the counter, similarly to the scenario of document submission for virtual documents. If needed,

printing of documents could also be immediately charged during the same touch that is used to send documents to printing. Citizens not using NFC could be provided by slots for currency, requiring them to insert money before the printing can start. However, this would be inconvenient for the users and an additional effort for the institution, suggesting against implementing such model of paid printing.

2.8.Contact and location information

Information about government officials and organs could be provided using NFC tags. These tags should be placed next to doors of offices, and at the desks of employees. This could be used for services that require personal interaction with government officials. An example are services of legal support for citizens or the employment bureaus where citizens must report periodically. Information about the time of scheduled meetings could be transferred at the same time in such cases.

Larger institutions could disperse NFC tags in the hallways to facilitate indoor navigation.¹ When a citizen touches a tag with his phone, a map of the institution indicating his current location would be presented. A citizen with an mobile application could further have his destination and the route to it displayed on his mobile device. Similar functionality could be provided at an information display, possibly the same display used for other components of the model.

CONCLUSION

NFC technology is still not widely accepted, but future prospects are good. Currently, there is a lack of papers exploring the use of NFC in e-Government and more attention should be dedicated to this area. This paper analyzed possible forms of use of NFC technology in government-citizen interactions. Two points that were considered as important for the introduction of NFC and complementary technologies were the need for education of citizens and the general security concerns. These points were not explored in detail in this paper, but should be considered for future research. However, the presented model was designed to alleviate some

¹ OZDENIZCI, B., OK, K., COSKUN, V., AND AYDIN, M.N.: *Development of an Indoor Navigation System Using NFC Technology. 2011 Fourth International Conference on Information and Computing, April 2011.*

of the financial, social, technological and security problems by allowing partial, flexible implementations of select components. Future works should attempt to perform field tests, especially comparing alternatives to ascertain which are cheaper, easier to implement and better accepted by citizens. The problem of achieving security in all NFC interactions is a much more difficult one, especially when considering the use of sensitive citizen data and the interactions with existing technologies that provide many vectors of attack. Therefore, the security of NFC should not be considered separately, but only as a part of a global security policy. Developing a mobile e-Government application for Android could be an important future step that would provide a basis for both NFC and non-NFC research in the area of applying modern technologies in e-Government. Further, the possibilities of applying NFC to improve the internal functioning of government institutions should also be explored.

POINTS FOR PRACTITIONERS

This paper explains NFC technology and its diverse uses in different areas of human activity. A widely applicable, general model of e-Government maturity is given and applied to e-Government.

Following that, a model of NFC application in e-Government is described. This model is built from components that can be applied independently for greater flexibility and cost efficiency. Components are mainly built using NFC tags or readers, with some relying on QR codes, Wi-Fi, Bluetooth, information kiosks, or Internet to provide a more complete service. The necessity for developing a complementary mobile application is discussed, along with privacy and security considerations.

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ENHANCEMENT OF HUMAN RESOURCES DEVELOPMENT SYSTEM IN PUBLIC SECTOR

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Abstract

Seeking to solve complicated problems of public sector main attention is focused on the increase of the effectiveness and usefulness of the state structures, the stability of the machinery of state, benefits from international and inter-regional cooperation as well the improvement of professionalism and responsibility civil servants. At the moment there is some discrepancy between the long-term priorities of state development and methods of their implementation, and means of development of human resources. In order to create efficient public service and to successfully pursue public administration reform it is necessary to systematically improve human resource system, because that would guarantee success in pursuing objectives and priorities in the state management and for improvement of public administration system.

Key words

public sector, public service, human resources, cooperation, reform

INTRODUCTION

Seeking to achieve efficiency in the sphere of state service, civil service becomes ever more important due to the following reasons: rate of organizational and technical restructuring of the civil service is constantly increasing, and this requires that civil servants should regularly acquire new skills and learn regulations; comparatively increase of more qualify of civil servants demands that the individuals who have stayed in the public service should acquire more diverse skills; the process of internationalization and inter-regional cooperation between countries of the European Union requires that civil servants should understand the

peculiarities of public service functioning not only of their own country but of the European Union as well¹; so far the tradition that with the civil servant making his way up, his technical rather than managerial competence is accentuated, has prevailed in the public service of the new member countries of the EU. Cases are quite frequent when high level professionals of a narrow specialization without any abilities for management and unable to efficiently run an office become chiefs; constant pressure of the society on the public service to prove its efficiency by material achievements requires that civil servants should be able to efficiently plan their activity and think strategically.

Striving for solution to complex problems in Central and Eastern European countries, the main focus should be laid on improvement of state structures efficiency, government bodies stability and increment of professionalism and accountability of human resources in state institutions².

Human resources system is concurrent with establishment of new quality since the aim of the latter is to create an integrated and manageable system of network of central and local government human resources and to ensure expansion of the system as well as action programmes related to it³.

Internationalization and inter-regional cooperation creates relevant conditions for civil servant's training system development. Though there is a big number of intelligent and qualified specialists in Central and Eastern European countries, imperfect legislation as well as training system very often impedes the progress of training and even that of public administration.

¹ BARABASHEV, A., CHLIVICKAS, E.: *Problemy adaptacii gosudarstvennoj sluzhby k uslovijam Evropejskogo Sojuza: primer Litvy i Rossii, Rossija i Evropejskij Sojuz*. Woodrow Wilson International Center for Scholars and Kennan Institute, 2004.

² CHLIVICKAS, E.: *Potential of Human Resources in Public Sector in the Context of the European Union Enlargement*, in the 4th International Scientific Conference business and management '2006. The 14th International Scientific Conference Enterprise management: diagnosis, strategy, efficiency", 2007. Selected papers: pp. 153–159.

³ CHLIVICKAS, E.: *Human Resources Development Strategy for Public Administration Institutions*. Public Administration., No 2 (6), 2005.

1 HUMAN RESOURCES MANAGEMENT IN THE CONTEXT OF INTERNATIONAL INTEGRATION AND INTER-REGIONAL COOPERATION

Currently, when we are witnessing processes of internationalization and globalization, growing competition between nations and emergence of knowledge society, human resources management is gaining increasingly more significance¹. This is of special importance to those countries, which have limited natural resources and material resources, and socio-economic development of which is highly determined by the quality of human resources and ability to enhance the potential of their human resources.

The capacity to compete in the global market is determined by human resources and the ability to use them properly. Consequently, discussions on various strategic issues of socio-economic and state development must pay special attention to issues of the management of the development of human resources potential².

It should be noted, that strategic decisions in relation to socio-economic development should be designed and implemented giving priority to special human resources development strategies, which make an integral part of the general structure of socio-economic and state development strategies³.

In order to implement a strategy, it is necessary to have a system of strategic goals, actions and means, and the course of its implementation has to be monitored and controlled. Results of strategy implementation and outside changes have to be ensured by strategic monitoring procedures. Strategic control procedures must create preconditions and enable us to compare the incoming information with implementation of strategic goals and decisions⁴, identify deviations from the chosen strategic line and inner/outer factors determining those deviations.

Information collected in the process of strategy monitoring and control may serve as a ground for making corrections to the strategy or even designing a new strategy. Information must be received in time; otherwise

¹ CASCIO, W. F.: *Managing Human Resources: Productivity, Quality of Work Life, Profits*. McGraw-Hill/Irwin, 2006.

² BOVAIRD, T.; LOFFLER, E.: *Public Management and Governance*. London: Routledge, 2009.

³ HUNT, S. D.: *A General Theory of Competition: Resources, Competences, Productivity. Economic Growth*. London: Sage Publications, 2000, pp. 385-393.

⁴ BRODY, R.: *Effectively Managing Human Service Organizations*. Sage Publications, 2005.

it is impossible to take relevant actions and measures¹.

In order to successfully implement long-term strategic goals and priorities, it is important that we apply adapted and modern management both in private and public sectors. At present, public management is especially lacking administrative capacity, and one of the weakest chains here is poorly developed ability to apply methods and methodologies of strategic planning and management. Therefore, systems of management of both private and public sectors fail to create adequate preconditions for successful socio-economic development².

Development of both private and public sectors is closely linked to creation of new quality. In order to create new quality it is necessary to have integrated and effectively managed systems of central and local government, as well as systems of human resources of private and public sectors, and to ensure development of these systems and related programmes of actions.

This article pays most attention to public sector human resources in Eastern and Central Europe. This priority is predetermined by the fact that Lithuania's membership in the EU requires to ensure proper level of public administrative capacity and high quality of human resources in the public sector. Due to this reason, development of human resources potential in the public sector gains special significance. As we all know, one of the fields of the public administration reform carried in Eastern and Central Europe is the development of human resources and the improvement of this process. Although the new EU member states have many well-educated and qualified specialists, they do not have the necessary legislation and their system of education hampers not only further education, but also advancement of public administration.

As the findings of the research suggest, most of the new EU member states lack correspondence between the priorities of long-term development of public administration, on the one hand, and means and measures of their implementation in the field of human resources development, on the other hand. In order to create an effective public service and successfully compete in the global market through internationalization processes, it is necessary constantly to improve the system of human resources,

¹ LASSERRE, P. H.: *Global Strategic Management*. Basingstoke: Palgrave Macmillan, 2007, 512 p.

² HUSEMAN, R. C.; GODMAN, J. P.: *Leading with Knowledge: The Nature of Competition in 21 st. Century*. London: Sage Publications, 1999, 272 p.

which allows implementing successfully goals and priorities of public government.

It is recommended to assess the tendencies of the development of human resources potential in the public sector in Eastern and Central Europe, to use results of inter-regional cooperation and present methodologically grounded proposals for system enhancement, creating right preconditions for increase of public service efficiency and enhance national capacity for competitiveness in global market by using contemporary civil servant's training system development.

Abundance of methodologies for creation and realization of human resources system shows, that there is more than one approach to the creation and further development of human resources system in the public sector of Eastern and Central Europe. Choosing the most rational variant is not easy, however, Lithuania's experience suggests, that it is always possible to choose and adapt the most suitable method.

2 ENHANCEMENT OF HUMAN RESOURCES DEVELOPMENT SYSTEM IN PUBLIC

The importance of human resources specialist development system enhancement in present situation is determined by a few important conditions¹:

- public administration specialists' decisions and their performance have an increasing role in choosing new perspective directions and priorities for social, economic, political, science and technology development;
- public administration specialists tend to become a link between people and their society on the one hand and various technical and other systems on the other hand: public administration specialists' decisions and their actions have a growing impact on interaction between people and their society and biological, technical, informational and other environments, and also significantly affect our possibilities to use modern means of automatization, robotization, computerization, introduction of information technologies;
- public administration specialists' performance becomes a crucial factor in globalization and internationalization of economic, social, cultural, informational, scientific and technological development.

¹ MOONEY, A.; EVANS, B.: *Globalization. The Key Concepts*. London: New York: Routledge, 2007, 302 p.

It is also noteworthy that elements of integration are inherent to the public administration specialists' professional activity and this integration has a twofold expression:

- public administration specialists' performance is always oriented to of other people or organizations;
- an important characteristic of public administration specialists activity is the combination of different activities which requires knowledge, skills and experience of different character.

Elements of integration, inherent to public administration specialists' performance, show that public administration specialists fulfil the function of synergetic effects formation. Realizing the rapidly growing importance of formation and use of synergetic effects in the modern society development we may claim that enhancement of public administration specialist development as a means of increasing the potential of synergetic effects formation is becoming an essential prerequisite for modernization of the society¹.

Awareness of the importance of public administration specialist development determines the necessity to identify the main problems arising in this field and to outline specific ways to design and enhance efficient human resources development systems.

Human resources system development is a highly extensive and complicated sphere and therefore the typical problems inherent to this sphere can be addressed and analyzed from different aspects. There are many specific characteristics of human resources system development in various countries and under various conditions. In-depth analysis of human resources system development practice in various countries shows that the following groups of problems can be distinguished:

- problems related to the content of public administration specialist development;
- problems related to public administration specialist development technologies;
- problems related to the operation of institutions, enterprises and organizations involved in processes of the public administration specialist development.

Among the problems related to the content of human resources in public sector development first and foremost comes inadequate integrity of various development processes¹; lack of integrity leads to the following:

- theoretical education (providing and acquiring theoretical knowledge) is not well balanced against practical training (providing and gaining practical knowledge, also developing practical skills and competences);
- due to improper specialization of the education the knowledge and skills acquired often lack systematic character;
- the content of the education is sometimes irrelevant to the individual's specific needs, inclinations, abilities and values;
- it is not rare that education is inadequately linked to the professional prospects of the people, as well as with the latest trends in various fields of economic and social development and with progress of science and technology;
- development is quite often insufficiently oriented to the people's ability to get adjusted to the fast-changing environment and adapt their knowledge and skills to new situations, needs and requirements;
- development quite often lacks orientation to the independence and responsibility of the people and does not encourage their capability of independent decision-making;
- development is not differentiated according to needs and possibilities to develop both leaders and reliable executives;
- the content of the development is often irrelevant to the requirements which are determined by the necessity of team decision-making, team-work and tolerance of other opinions;
- the content of the development often lacks links to the issues of concern in the fields of society development and social, economic, scientific and technological progress; besides, it fails to be oriented to the solution of these problems;
- the content of the development is not well-balanced; i.e. there is no harmony in such fields as dissemination and acquisition of new knowledge, development of new skills and capacities, raising morality, responsibility and spirituality, adequate development of physical qualities and psychological and cultural orientations;

¹ GRAY, C. S.; BAYLIS, J.; WIRTZ, J. J. (Eds.): *Strategy in the Contemporary World: An Introduction to Strategic Studies*. Oxford: Oxford University Press, 2010, 440 p.

- the content of the development quite often shows inadequate orientation to openness, and that facilitates the emergence of diverse forms and tendencies of provinciality, superficiality, selfishness and lack of tolerance.

The above listed problems give a general overview of the main concerns in relation to the content of the development. It should be noted, however, that some other problems arising from the irrelevance of the development content to the needs of modern society fall under this category as well. Special attention should be drawn to those which are specific to public administration specialist development in the conditions of radical social, economic and technological transformations and which are posed by new challenges of modern life, or new possibilities and new areas of the scientific research on management an administration.

In the second group of problems, related to human resources system development technologies and organizational forms, emphasis should be placed on those which arise because technologies, methods and activity forms applied in the process of human resources¹ system development are irrelevant to the requirements which correspond to the goals of the development and to its content. The main problems in this group are as follows:

- insufficient flexibility in the application of educational technologies and activity forms, which is often described as conservatism and ignorance of the availability of the latest methodological and technical aids, information technologies and advanced organizational models;
- processes of the development are not sufficiently oriented to the priorities of internationalization of public administration specialists' activity; educational technologies and organizational forms do not always conform to the needs of internationalization of the development processes;
- developmental processes often lack consistency and continuity; educational technologies and organizational forms are not sufficiently oriented to consistent succession of separate stages and continuity of the development processes throughout each person's life;

¹ COHENDET, P.; STOJAK, L.: *The digital divide in Europe. The economic and social issues related to "knowledge-based Europe*, *Futuribles: Analyse et Prospective* 305, 2007, p. 5-28.

- developmental processes often lack priority of innovations and continuity;
- developmental technologies and organizational forms lack orientation to people's activity, independence, individual responsibility for results and their active participation in choosing the technologies and forms that they find most acceptable.

Taking in view many specific features of human resources system development and various possibilities to enhance the whole complex of development processes, we may claim that the main priorities in dealing with public administration specialist development problems include:

- establishment of principles for public administration specialist development enhancement on the basis of systematic approach, and preparation and implementation of relevant means for realization of those principles;
- development of infrastructure of interaction between systems of education and training (educational systems) and systems of professional activities of public administration specialists and public managers (professional systems);
- development of specialists' creativity and innovative potential.

The above mentioned priorities include manifold possibilities that have to be used for the purpose of human resources system development improvement; these priorities gain special significance in the light of the European Union enlargement, because they are directly aimed at increasing efficiency of public administration specialists activity in the context of dynamic processes of globalization and results of inter-regional cooperation.

3 THE MAIN PRINCIPLES OF THE ENHANCEMENT OF PUBLIC ADMINISTRATION SPECIALIST DEVELOPMENT SYSTEM

Public administration specialist development has to be perceived as a systematic phenomenon and , consequently, the measures applied have to be of systematic character.

In view of topical problems of the contemporary society and its development priorities the following definition of the public administration specialist development system could be considered as universal: public administration specialist development system is totality of institutions and organizations working together in the same direction and aiming at development and enhancement of the properly qualified public administration specialists' potential relevant to the needs raised by growing scientific and technological progress, internationalization and inter-regional cooperation, knowledge society and globalization processes, and also by priorities of sustainable development, innovativeness, competitiveness and sustained formation of capacities to deal with topical problems.

The suggested definition implies a few important aspects of the public administration specialist development system:

- this system is totality of institutions and organizations working together in the same direction and in cooperation with each other;
- institutions and organizations which are part of this system are united by one common goal – to develop and further enhance the potential of properly qualified public administration specialists;
- this system is dynamic because the institutions and organizations involved are currently operating and their operation is directed and coordinated (directed and coordinated operation enables the system to fulfil functions of management and self-regulation);
- this system is oriented to encourage specialists' ability, on the one hand, to adjust to the environment (public administration specialists are developed relevantly to the needs) and, on the other hand, to have a purposeful and active impact on the environment (public administration specialists are developed with a view to possible future needs and they have to be able to take active part in changing economic and social situations, encouraging scientific and technological progress; they also have to be innovative, creative and competitive: all these qualities show orientation to the continuity of the development);
- this system is oriented to both training individuals and modernization of the society, the priority being development of high quality human resources in the conditions of globalization, knowledge society and economic and social development internationalization.

Priorities for public administration specialist development system enhancement may include very wide areas. Hence, they may be classified into the following groups:

- general principles of development of modern specialists, which are applicable to development of all specialists, including public administration and public management specialists;
- specific principles of management and administration specialist development, which embody specific features of specialist development;
- principles of development of management and administration specialists of different areas, which embody peculiarities of those areas, including the area of business and public administration and management.

A very important condition for successful development and enhancement of public administration specialist development systems is the ability to take these principles into consideration and to act accordingly.

The universal principles of the specialist development are those which are applicable to the establishment, development and enhancement of development systems for specialists of all areas. These principles are considered to be universal and have to be treated as priorities when dealing with essential issues of establishment and enhancement of various specialist development systems.

The universal principles, applicable to all modern systems of specialist development including those for development of public administration specialists, enable us to realize and define the most important requirements for practical specialist development. The most important among them are the following:

- the principle of orientation to priorities of humanism, democracy, knowledge society and openness, which means that the purpose of each development system is to promote ideals and standards of humanism, democracy, knowledge society and openness;
- the principle of competitiveness of the developmental systems and its products, which means that each developmental system is oriented to producing high quality specialists, and to the system's ability to adjust to the latest requirements which are initiated by new challenges of life and by processes of global economic, social and technological development;

- the principle of priorities of developmental system's functions of prevention and adaptability, which means that the developmental systems aim at developing specialists who are able to adapt themselves to new requirements and who are able to deal skillfully with new problems;
- the principle of internationalization and inter-regional cooperation of the specialist development, which reveals prospects of the development system expansion in the context of international cooperation;
- the principle of consistency, continuity and diversification of forms of the specialist development, which means that a specialist's development is a life-long process and that this process involves a sequence of measures increasingly varying in forms; implementation of this principle requires application of a few principles of local character and each of them can be treated as a separate principle under the category of general universal principles.

The principles of local character define those requirements for developmental systems that express dynamism of development processes and the necessity to harmonize various development technologies. These principles include:

- the principle of coordination of university education, professional training and personality development, which means that university studies, professional training for development of personal qualities and abilities are compatible in terms of content and form and they are integral parts of the single developmental process;
- the principle of harmonizing theoretical education and practical training, which requires balancing the acquisition of theoretical knowledge with formation of practical skills; scientific research and other practical works of planning and consulting with traditional university and non-university studies;
- the principle of continued post-graduate development, which means that every specialist, having obtained an academic or professional qualification certified by a degree or diploma, continues to sustain it and to enhance it with new knowledge and skills, if it is required by new and rapidly changing situations.

All the above mentioned principles in total reveal the requirements which have to be applied to modern systems of development: these principles show orientation to development systems' relevance to general tendencies and challenges of the modern society.

CONCLUSION

Improvement of human resources for public administration and for public sector is a very important direction of modernization of contemporary society, expressing orientation to priorities of intellectualization, ability to react to increasingly more rapid changes, tolerance, adaptability and competitiveness in the conditions of new challenges.

Overview of the methods of developing human resources potential in public sector for enhancing internationalization global competitiveness suggests that there is no single, comprehensive model of this process. Consistency of change management in every institution is ensured by its management, on the basis of the accumulated practice and in view of the changing situation, emergence of new ideas and possibilities, using means of forecasting and modeling the situation. Therefore, this process requires high managerial competence, thorough knowledge of the environment and reliable information.

Choice and implementation of the strategy comprises the main part of the strategic management. It is obvious, that the initial and very important phase of determination of institutional activity's trajectory is analysis of the situation. Long-term development direction includes various fields, measures and forms of institution's activity, relations within the institution and position in the outside environment. The main objective is to concentrate all the institution for implementation of the strategy and ensure, that there is a sufficient amount of resources, first and foremost – human resources, and that they are managed properly, to pursue successfully the chosen policy.

In order to develop a strategy for human resources in the public sector, perceived as a system, and to outline ways of its implementation, it is necessary to apply a creative approach to the described strategic management models, integrating their advantages and adapting them to the improvement of human resources management.

It is advisable to apply a model, relevant to the features of human resources system, implementation of which is guided by these essential priorities:

- it is necessary to ensure monitoring of the state of the human resources system: to describe the system of human resources in the context of the public sector reform, internationalization and innovation, to define problems in relation to the improvement of the human resources system according to hierarchical management levels, to set goals and priorities of the strategy of the human resources system;
- it is necessary to apply the suggested model of the strategy of the human resources system and offer a way of the implementation of the strategy of the human resources system, which has to become a factor determining success of the public administration reform.

The stage of analysis of the current state of the human resources system has to include definition of its place and significance in the context of internationalization and innovation, identification of problems according to hierarchical management levels, related to human resources training, formulation of goals and priorities for human resources improvement, drafting the main provisions of the continuous qualification improvement of public servants, serving as a basis for development of the potential of human resources system.

The main factor determining of government innovation and success of the development is the ability to design and implement long-term strategies based on human resources. Therefore, it may be assumed that improvement of human resources is a very important group of conditions determining socio-economic development, which should be perceived as priority, especially in the context of globalization, international integration and inter-regional cooperation.

Improvement of human resources for public administration and for public sector is a very important priority of modernization of contemporary society. This priority gain special significance in the situation of globalization, development of inter-regional relations and knowledge based society development.

Public administration specialist development improvement requires a relevant scientific foundation. The main specific principles of management and administration specialist development are as follows:

- the principle of wide erudition and formation of a whole complex of knowledge and skills;
- the principle of coordination of general managerial competence and specific managerial activity;
- the principle of priority of innovativeness and creativity, high morality and high social responsibility;
- the principles of independent decision making, ability to react quickly to changes, taking relevant actions in extreme situations, team-working skills, adaptability to multicultural environment.

The exceptional principles of business management specialist development and public management and administration specialist development highlight special development orientations inherent to various fields of business and public management. Only being aware of the above principles we can develop and modernize public administration specialist development systems taking in view the conditions created by globalization, knowledge society formation, the European Union enlargement and increasing European inter-regional cooperation.

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INNOVATIVE ELEMENTS IN CIVIL SERVICE REFORM OF SLOVAKIA

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Abstract

Civil service reforms in Central and Eastern European countries (CEEC) in the last decade have focused on various tools that would decrease politicization and increase professionalization of civil service, in other words to introduce career system in the civil service. At the same time, there was a need to attract professionals from the practice into the civil service to design and implement other needy sectoral reforms. Different countries have undertaken different trajectories of reforms. To some extent, Slovakia responded to these challenges and introduced „innovative elements“¹ in order to streamline the recruitment and motivate young qualified candidates, reduce high turnover and create senior civil service, such as the ‘fast stream system’ and ‘nominated civil service’. However, these had only limited success. The creation of functioning human resource management system and approaches is undoubtedly the main area of failure in civil service reform, not only in Slovakia. This paper on one hand maps various innovative elements introduced into the civil service system in Slovakia and on the other hand argues that one of the main reasons for short living of the innovative elements was creation of a hybrid civil service system (instead of career or position).

Key words

civil service, career system, position system, innovation, professionalization, fast stream, Slovakia

INTRODUCTION

A professional civil service is the cornerstone of an effectively performing public sector. Politicization is generally seen as the primary impediment to

¹ WORLD BANK.: EU-8: Administrative Capacity in the New Member States: The Limits of Innovation?. Washington, DC: World Bank, 2007.

successful administrative development,¹ as it runs contrary to the principles of merit, professionalism and permanence that are essential foundations of a functioning civil service. The transition of Central and Eastern European countries into modern democracies in the past two decades brought a lot of questions and problems connected with institutional redesign, including questions regarding the clear division between political and administrative officials. This interaction between elected politicians and the permanent career civil servants is a central theme of institutional politics. The relations between these two actors at the centre of government affects the capacity of governments to make and implement policies to the extent expected from modern political systems. The relationship between politicians and civil servants is of particular relevance for the new EU member countries from Central and Eastern Europe.

In the last years prior to EU accession reforms were conducted in candidate states to bring about the formalization of politico-administrative relations and compliance with the “principles of the European Administrative Space”. These principles of European public administration were developed by the EU and Sigma² as part of the EU’s attempt to develop an overall public administration reform policy,³ which could help applicant countries to meet the Copenhagen and Madrid criteria⁴. Generally, these reforms have progressed slowly and although measures have been introduced that would hinder the politicians to appoint

¹ VERHEIJEN, T (ed): *Civil Service Systems in Central and Eastern Europe*. Cheltenham: Edward Elgar, 1999.

² Sigma is a joint initiative of the OECD and the European Union, principally financed by the EU. SIGMA supports European Union candidates, potential candidates and European Neighbourhood Policy partners in their public administration reforms.

³ SIGMA: 1998, 1999.

⁴ In 1993, at the Copenhagen European Council, the Union took a decisive step towards the fifth enlargement, agreeing that “the associated countries in Central and Eastern Europe that so desire shall become members of the European Union.” Thus, enlargement was no longer a question of ‘if’, but ‘when’. Concerning the timing, the European Council states: “Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required.” At the same time, it defined the membership criteria, which are often referred to as the ‘Copenhagen criteria’. The Madrid European Council in December 1995 stressed that membership criteria also require that the candidate country must have created the conditions for its integration through the adjustment of its administrative structures. While it is important that European Community legislation is transposed into national legislation, it is even more important that the legislation is implemented effectively through appropriate administrative and judicial structures.

and dismiss senior officials at their will in most CEE countries,¹ the civil service systems in CEE countries remain incompatible with the principles of professionalism and neutrality.

There had been very little change in the period after the accession in 2004 in the overall situation, and even those progressive measures often seem to be short-lived. A recent SIGMA study, which examined CEE civil service reforms, concluded that there is: 1) continued politicization; 2) an ongoing failure to create a professional merit based system; and 3) a lack of effective measures to improve the quality and stability of staffing through appropriate recruitment remuneration, promotion and career development arrangements.²

1 CAREER VS. POSITION BASED SYSTEMS OF CIVIL SERVICE

In general, there is no common system for civil service, but one can find a spectrum of models and systems. Nevertheless, it is possible to distinguish between two extremes: position based and career based systems. The career based system builds on Weberian values of professional civil service, thus the employees in the civil service are guaranteed employment (usually through tenure) and the system provides career paths and opportunities. The entry into the system is through a competitive process of a general exam that tests general skills and abilities of the candidates. Usually, applicants are lawyers. A pool of qualified candidates is then created which then are positioned into an open position. Thus, the applicants do not apply for a particular position but rather to the civil service as such. This requires central coordination system which takes care of the exams and career paths of the civil servants. The remuneration follows a strict hierarchical system based on the years of service and qualifications.

The position based system, on the other hand, builds on the elements of New Public Management, where the applicants compete for a particular open position with prescribed skills and knowledge. Thus, the applicants are assessed for very specific competences and once the position is

¹ STAROŇOVÁ, K., MALÍKOVÁ, Ľ.: 'Politico-Administrative Relations under Coalition Politics in Slovakia. ' In: B.G. Peters, T. Verheijen, L. Vass (eds.). *Coalitions of the Unwilling? Politicians and Civil Servants in Coalition Governments*. Bratislava: NISPAcee, 2005, pp. 178-203.

² The Sustainability of Civil Service Reforms in Central and Eastern Europe Five Years After EU Accession, SIGMA (2009)

terminated the civil servant is not transferred to a different position. Indeed, there are no internal career paths. The remuneration is also linked to a very particular post and negotiated at the entry to the career system. This means, that there is no need for central coordination and decision making on recruitment, remuneration is mostly decentralized.

Each system has its advantages and drawbacks. The career system encourages development of civil service as a profession, including the promotion of “institutional culture” and “public value”.¹ The existence of rules provide for some protection against political interference. Nevertheless, the same system tends to be rigid and static, producing inflexible employees who do not respond to challenges of the society. Moreover, the system is not oriented toward performance and does not link the accountability for results with concrete people in the system. Position based system, on the other hand enables strong performance orientation and rewards good performance and high quality work through performance based compensation. However, this system is more vulnerable to political patronage due to its decentralized nature which also can be reflected in higher transaction costs.

OECD recommends so called *dual system* where career based system would be reserved for core functions of the government whereas production functions can be covered by position based system.

2 CONTEXT: CIVIL SERVICE REFORMS IN SLOVAKIA IN THE 1990s AND 2000s

Most of the transition countries did not have civil service laws after the fell of communism and relied upon general Labor code applicable to all employees, including Slovakia. After the fall of communism, there was a need to replace the previous unified soviet system of public administration. The Soviet-style personnel system was largely followed, with no relevant forces advocating an alternative merit system. Delays in reforms have led to a situation where ministries in the first decade of transformation were often over-staffed, as those that remained in the administration were generally not interested in changing jobs, while new posts were unable to attract staff. This created problems in particular for new functions, such as policy analysis posts, project management, reform implementation and last but not least civil servants dealing with EU matters.

¹ For discussion on importance of public value sharing for motivation of employees in public service see Moore *Creating public Value*.

After 1990, the civil service had not been a major issue on the political agenda until EU membership became a priority after the 1998 elections and building a merit system became a necessity for that, as expressed by EU requirements. In fact, during 1994-98 era of Mečiar rule¹ not only no effort for the introduction of laws that would affect the behavior of state employees was made, but the politicization of the civil service increased². The practice of the first years after the fall of communism when each incoming government tried to place its own people into all key positions (sometimes even two or three layers down in the hierarchy) produced a politically dependent system with significant changes at the top and middle level positions within the administration, with political affiliation being the main reason for changes. Politicization, patronage and lack of accountability were the key features of public administration in Slovakia during the first decade of transition.

Even with the change of government in 1998 to a more democratic and pro-EU coalition did not immediately bring needed reforms to the civil service. It took years more until the new laws on civil service were passed in 2001 and even that happened thanks to the EU pressure, when it warned that Slovakia's entry chances could be hurt if the reform was not passed. At this point it has to be stressed that as an overall reform laggard in the region, the new Dzurinda government of 1998 had different reform priorities than civil service (basically everything else required reform).

Introduction of the Civil Service Law

Slovakia initiated civil service reform as late as 2001, mainly under pressure from the EU.³ Meyer-Sahling⁴ suggests as an explanation of this delay in reforming civil service the lack of competent candidates

¹ Vladimír Mečiar was the prime minister and leader of HZDS party in the government of 1994-98 which had semi-authoritarian elements in his rule and alienated Slovakia from international circles.

² STAROŇOVÁ, K., MALÍKOVÁ, E.: 'Politico-Administrative Relations under Coalition Politics in Slovakia.' In: B.G. Peters, T. Verheijen, L. Vass (eds.). *Coalitions of the Unwilling? Politicians and Civil Servants in Coalition Governments*. Bratislava: NISPAcee, 2005.

³ STAROŇOVÁ, K. LÁŠTIC, E.: 'Into the Labyrinth: the Rewards for High Public Office in Slovakia.' In: B.G. Peters and M. Brans (eds.). *Rewards for High Public Office in Europe and North America*. London: Routledge, 2012, pp. 248-268.

⁴ MEYER-SÄHLING, J. H.: 'Civil Service Reform in Post-Communist Europe: The Bumpy Road to Depoliticisation,' *West European Politics*, Vol.27, No.1, 2004, p. 94

capable of and willing to replace communist administrative elites. The reform aimed at professionalizing the public sector by introducing two separate provisions in 2001: the Law on the public service (Act No. 313/2001), which defines the public service and covers service such as health and education; and the Law on civil service (Act No. 312/2001), which regulates the civil service in state administration bodies. In 2003, the former law was substituted by the Law on Employees working in Services of Public Interest. The attempt to establish a professional and neutral civil service was not without difficulties. The main problems were diverging views on key issues such as conditions for tenure or pension and health insurance rights of civil servants. In order to obtain EU membership, reform initiatives have been formulated rapidly with little political consensus.¹

The Law on Civil Service created also the Civil Service Office that came into existence in 2002 to play a crucial role in recruitment, appointment and some other Human Resources (HR) decisions, most of all in career decisions.

The most fundamental amendment was a package adopted in 2003 (coming into effect on 1 January 2004) regulating the status, recruitment and remuneration of civil servants, that brought innovative elements into the civil service system, such as *fast stream recruitment*, *performance appraisal* and *nominated civil service*. These innovative elements were to strengthen the capacity to attract and retain good calibre staff at all levels, since the previous delays in the adoption of the Civil Service Law led to a situation where ministries were over-staffed, as those that remained in the administration were generally not interested in changing jobs, while new posts were unable to attract staff.² This created problems in particular for new functions, such as policy analysis posts, project management, reform implementation and civil servants dealing with EU matters.

However, fundamental changes introduced in 2006 abolished most elements of the merit system³. The Civil Service Office was terminated,

¹ STAROŇOVÁ, K., MALÍKOVÁ, E.: 'Politico-Administrative Relations under Coalition Politics in Slovakia.' In: B.G. Peters, T. Verheijen, L. Vass (eds.). *Coalitions of the Unwilling? Politicians and Civil Servants in Coalition Governments*. Bratislava: NISPAcee, 2005, pp. 178-203.

² STAROŇOVÁ, K. LÁŠTIC, E.: 'Into the Labyrinth: the Rewards for High Public Office in Slovakia.' In: B.G. Peters and M. Brans (eds.). *Rewards for High Public Office in Europe and North America*. London: Routledge, 2012. pp. 248-268.

³ The reform happened just few weeks before elections in 2006 with official reason

and its functions were largely decentralized to the ministries or simply ceased to exist (e.g. the entry examinations became simple job interviews). In the absence of central direction the system carries significant dangers; bonuses granted at the discretion of managers have become a major part of take home pay and some ministries have proved to be in a better position to make use of the flexibility than others,¹ The changes have also introduced a number of major uncertainties into the system, not least the removal of job security for civil servants. Efforts to create a special cadre of highly qualified civil servants by external and internal recruitment (so called “fast stream system”) have failed because of poor implementation.² In 2009 a new Law on Civil Service was prepared that abolished all innovative elements from 2003 reform (performance appraisal, fast stream recruitment and nominated civil service) and left the confusion between a career based and a position based system.

In the context of CEE civil service reforms, Slovakia lacked any comprehensive reform program and all the efforts were of ad hoc nature. For example, the innovative reform package of 2003 was initiated by Ministry of Labour, whereas the 2006 reform measures were initiated by Ministry of Finance right before the elections. Hungary and Lithuania, on the other hand, developed a comprehensive program in which all reforms were anchored. According to Meyer Sahling³ Slovenia and to a lesser extent the Czech Republic have been active administrative reformers, but the civil service has played a subordinate role in these activities. Poland has concentrated on the fight against corruption but it has lacked both a civil service reform plan and a wider administrative reform strategy for most of the postaccession period.

provided that the Civil Service Office was inefficient and costly. Its demise meant that there was no central control whatsoever over civil service management and that the development of the civil service was given to the hands of individual ministries. At that point, however, it was clear that there will be government change and this provision opened the space for better coalition formation.

¹ Staroňová and Brown, 2006.

² STAROŇOVÁ, K. LÁŠTIC, E.: ‘Into the Labyrinth: the Rewards for High Public Office in Slovakia.’ In: B.G. Peters and M. Brans (eds.). *Rewards for High Public Office in Europe and North America*. London: Routledge, 2012, pp. 248-268.

³ MEYER-SÄHLING, J. H.: *The Sustainability of Civil Service Reform in Central and Eastern Europe Five Years after Accession*. SIGMA Paper Nr 44. Paris: OECD Publications, 2009.

3 RESULTS AND DISCUSSION

3.1 Professionalization: New Types of Civil Service

The Civil Service Law introduced two new types along with preparatory and permanent civil service: temporary and nominated civil service. **Temporary civil service** explicitly covers so called ‘political functions’, the functions of whose are elected and recalled by the Parliament or appointed and recalled by the President, the Government, the President of the Parliament, the Chairman of the Constitutional Court. The performance of a political function is considered to be a performance of a public function. None of the political functions’ tenure is explicitly tied to that of the appointing authority, however, in practice they are. On the level of ministry these include: state secretary, head of the service office, head of and staff of the minister’s cabinet. In addition, the amendment to the Civil Service Law in 2002 included into the law also advisors under the term of ‘professional performing tasks for a member of the Government, the President, Chairman of the National Council or Vice-Chairmen of the National Council’. These professionals take also the form of so called *temporary* civil service with a maximum employment of five years. Not all provisions of the law are, however, applicable to the political appointees, e.g. the possibility to appoint to the temporary civil service without selection procedure.

Nominated civil service was brought in by the 2003 reform which was to reward top officials with specific salaries (a 50% pay increase) and job protection in the form of security of tenure together with pension and health benefits. Civil servants applying for nominated civil service needed to pass a nomination exam (see discussion later on recruitment). It was expected that approximately 1000 civil servants would be part of the ‘nominated service’ with tenure and clear career path.

The career system in the civil service was to be managed and maintained by Civil Service Office via so called systematisation (and civil service registry) that would include the number of permanent, temporary, nominated and preparatory civil service posts (see Table 3), ranked by position resulting from the organisational structure of the ministry (or other state administrative body). In addition, the systematisation had to state the volume of financial resources allocated for remuneration of civil servants. The systematisation had to be approved by the government when

discussing the draft budget, and then voted on by parliament as part of the state budget.

The process of systematisation created tension between the Civil Service Office and Ministry of Finance as both considered themselves to have the authority for final decisions on number of posts and related expenditure. In practice, it was the Ministry of Finance having the final word on expenditures for the civil servants providing arguments that they are the members of the Government, not the Civil Service Office. As a result, ministries complained about the structure of systematisation and the inflexibility in making changes and the fact that they were not clear whether to contact Ministry of Finance or Civil Service Office. Systematisation was abolished in 2006 reform package, including the civil service registry.

3.2 Recruitment

Social scientists since Weber as well as international organizations such as World Bank agree that the method by which civil servants are recruited has important implications for governance outcomes. Rauch and Evans ¹ have linked meritocratic recruitment to higher bureaucratic performance and lower corruption, World bank to economic development.

Originally, recruitment was planned to be centralized and based on objective criteria and examination with all posts to be advertised openly. A system was introduced that allowed a relatively automatic career path based on seniority and at some steps passing certain exams, as well as an appropriate “grade” on the annual appraisal. The Civil Service Law gave responsibility to the Civil Service Office to forecast and analyse the necessary number of civil service posts and operational expenditure by means of systematisation with subsequent open recruitment and selection procedure. Dismissal of civil servants was largely limited by the law.

In reality, the Civil Service Office never had a crucial word in the recruitment of civil service since already a year after its creation (2003) this task was delegated to line ministries and only some types of recruitment (nominated and fast track recruitment) was left to central coordination. 2003 changes also introduced compressed preparatory service and merged it with the probation period which shortened the preparatory service

¹ RAUCH, J. E. and P. B. Evans: “Bureaucratic Structure and Bureaucratic Performance in Less Developed Countries,” *Journal of Public Economics* 75, 2000, pp. 49–71.

period from original 6-24 months to 3 months and abolished the system of qualification exams from preparatory into permanent civil service.

Fundamental changes introduced in 2006 abolished most elements of the merit system just few weeks before elections in 2006. The Civil Service Office was terminated (on the grounds of its ineffectiveness), and its functions were largely decentralized to the ministries or simply ceased to exist (e.g. the entry examinations became simple job interviews). Moreover, the 2006 changes provided the head of office at a ministry (a political post from 2003) a new autonomy to dismiss a superior officer within their direct management without stating reasons. Thus, top managerial positions such as directors generals became de facto political positions. This, naturally, raises questions about the quality, transparency and impartiality of the dismissal and recruitment process. At that point, however, it was clear that there will be government change and this provision opened the space for better coalition formation.

Introduction of the fast stream system

The package of 2003 amendments introduced an internal and an external fast stream system in order to attract qualified candidates for the civil service. The fast stream system took the form of:

- a) a *pooled recruitment system* for applicants from outside the civil service;
- b) *nominated civil service* for applicants from inside the civil service.

Pooled recruitment system was inspired by EU countries and their fast-stream system which enables rapid career growth and is the key to attracting very capable people to positions in the civil service. Thus, the purpose of this procedure was to select persons with an innovative and creative approach to problem-solving. Since the introduction of the pooled recruitment system, there were 3 rounds altogether with the following results:

	Number of Applicants	Successful Candidates
2003	629	17
2004	265	11
2005	313	14

Recruitment for Nominated Civil Service had even worse results. According to the former head of the civil service office, however, only 5 candidates passed the exams (out of 367 applicants) in the first round in 2004 and in 2005 none of the 177 applicants passed. Following the abolition of the CSO in 2006 the organization of exams for the nominated civil service was handed over to the Head of the Government Office (a political nominee) who did not organize any exams until 2009 when nominated civil service was abolished.

Both methods of fast streaming into the civil service were not very successful in terms of the number of successful candidates and their placement. The biggest problem lies in the hybrid position-based and career-based system which has developed in Slovakia. Although candidates had the opportunity to be 'parachuted' into higher positions (salary grades 7-11 in the pooled recruitment system and top civil service with tenure for nominated civil service), the whole system is not suited for this as there is no formal career planning system in place, but rather a position based approach. Thus, the rigour of the examination process in the fast stream system does not correspond to the real career opportunities of the successful candidate. The exams were more difficult than regular entry exams for a vacancy consisting of 5 rounds within 1 month (general knowledge test, foreign language test, psychological test, evaluation centre for "potential" carried out by an external body, interview with a committee) as opposed to 2-3 rounds in 1 day in the regular job vacancy interview. Despite this more rigorous testing the ministries did not offer a better job (or payment) and the successful candidates did not have a faster career opportunity as the CS Law does not incorporate a career system. Thus, when a successful candidate wanted to get a higher position he/she had to undergo new testing (this time job or post testing) which was easier than the first tests. Moreover, the ministries were reluctant to employ the successful applicants (particularly the Ministry of Finance) because they had their own criteria. Half of the successful candidates did not start their positions and career in the civil service (they were disappointed by the negative attitude of individual ministries, by the fact that despite passing more rigorous tests they ended up with the same salaries and treatment as regular civil servants, etc.).

Nevertheless, the system had the undoubted advantages of bringing qualified candidates into the top positions of the system and could be utilized further if some finetuning was conducted in cooperation with individual ministries.

3.3 Incentive System

Several features of a classical career system – seniority and job security – do not seem to be feasible in the context of a country conducting reforms. Under these principles, salaries would remain low but compensation comes in the form of gradually increasing wages and tenure. The tenure principle has been eroded owing to increasing levels of politicization, while seniority holds little attraction for the young workforce in these countries. Fiscal constraints make an overall increase in wage levels virtually impossible. If wages are so low in the public compared to private sector, as it is/was everywhere in the Central Eastern European region,¹ it is impossible to find enough, if any, qualified candidates for certain civil service positions. A study of the World Bank (2007) on the administrative capacity of the new member states pointed to the same problems.

Loosening the rigidity

Reform of the pay system in civil service in 2003 has abolished some rigid elements such as seniority, increased employees' responsibility and obligations with emphasis on performance; payment classes have been enlarged from 9 to 11 with the highest classes reserved for senior civil servants and has introduced innovative elements for attracting and motivating staff. Even with the reforms in pay-tables, the desired compression ratios did not materialize (remaining approximately 1:3, well below the 1:6 benchmark of the World Bank. Thus, exceptions from the general pay rules had to be made in order to fill important positions. This was exactly the main argument for "loosening" the rigidity of the merit system in Slovakia. The aim was to build a clear distinction between top level civil service posts and lower level posts, including a de-compression of the salary system and the creation of much improved employment conditions for top level officials via payment of bonuses.

As a first step, Slovakia has made a first step towards replacing systems based mainly on seniority with performance based systems by removing seniority elements and introducing a 'performance based points system', although this has not become properly embedded in the system.

¹ LÁŠTIC, E.: 'Can't Have it Both Ways? Administrative Capacity of European Affairs,' In: Malová, D. et al. From Listening to Action? New Member States in the European Union. Bratislava: FiFUK, 2010.

Moreover, Slovakia has attempted to institutionalize flexibility in pay systems, particularly in the payment of bonuses. The *personal bonus* may be as high as 100 % of the basic salary. Each ministry decides internally on the amount and mechanism of the payment of bonuses for its civil servants and this information is not publicly available on the grounds of data protection. In reality, however, it is typically negotiated between the civil servant and his/her employer (director general and then approved by the head of service office), and the negotiations take place *before* the actual assessment period. This kind of bonus effectively becomes a part of the fixed salary. As a result, a hybrid system exists: the basic classification system is for the general civil service, while position-based for top officials with negotiated salaries for that position.

During the functioning of Civil Service Office and systematization, the Ministry of Finance and line ministries have institutionalized an informal arrangement through which funds saved on vacant positions when conducting restructuralization can be used to increase wage levels through personal bonuses that can range up to 100% of pay. Reorganization to gain additional funds for bonuses, however, has not proved to be possible in all ministries as they differed in the number of staff and stage of reorganization. Relatively small ministries simply did not have the opportunity to slim the offices to keep finances for bonuses. Moreover, this informal system was not sustainable in the long term as the ministries deliberately overestimate the number of posts needed in annual budget discussions with the Ministry of Finance in order to keep the unspent finances for remuneration.

Some Ministries have made good use of the new human resource flexibility brought by the 2003 amendment to the Civil Service Law to attract young and high quality candidates. Particularly, the Ministry of Finance became an outstanding example in 2003-6 era (and with the change of Government in 2006 the only one where staff remained the same even in high positions), which became generally recognised as a very highly performing organisation with good leadership, high quality staff and a strong esprit de corps. This was also recognized internationally when in June 2006 the Ministry was the first central European central government institution to obtain the 'Recognized for Excellence' award within the European EFQM quality model.

Although differences exist across the Ministries in the average personal bonuses paid¹, calculated the trends in the remuneration in the civil service

¹ STAROŇOVÁ, K. LÁŠTIC, E.: 'Into the Labyrinth: the Rewards for High Public

and clearly showed that liberalization of the Civil Service Law in 2003 brought the possibility for the ministries to provide higher bonuses for top civil servants and this possibility actually increases the compression ratio and brings it to the level of private sector managers. The calculation of the annual take-home salaries of Directors General showed that in some ministries they would earn up to three times their basic salary, i.e. the basic salary is equivalent to 35 per cent of the final salary.¹

Whereas flexible payment of bonuses helps to overcome the problems of the highly formalized and grade based base pay system, the lack of clearly defined criteria for the allocation of bonuses as well as the ad hoc nature of the system, based as it is on artificially construed wage budgets, make it vulnerable to politicization and risks creating wage budget levels that have little to do with the real needs of the administration.

Performance Bonuses

Pay for Performance (PFP) tools are thought to encourage high quality performance of civil servants and to reward the best based on their merits. However, Ingraham² warns that the common practice of adopting PMT without broader reforms to support them results in viewing these tools as mere adjustments of the base, rather than fundamental revisions of existing systems.

The 2003 package of changes introduced a first step towards a new system of job evaluation and appraisal –the so called ‘performance based points system’. On an annual basis each civil servant was evaluated by his or her superior using a points system (1-4) which could bring him or her **permanent additional performance related pay** (up to 3% annually that are cumulative in nature) or lead to the termination of employment. This was at least a potential albeit rudimentary start for a performance management approach using individual objectives and targets as the basis for appraisal. Data from the period 2004-5 show that 45% of civil servants received the available maximum of 3% increase based on performance,

Office in Slovakia. ‘ In: B.G. Peters and M. Brans (eds.). Rewards for High Public Office in Europe and North America. London: Routledge, 2012, pp. 248-268.

¹ STAROŇOVÁ, K. LÁŠTIC, E.: ‘Into the Labyrinth: the Rewards for High Public Office in Slovakia. ‘ In: B.G. Peters and M. Brans (eds.). Rewards for High Public Office in Europe and North America. London: Routledge, 2012, pp. 248-268.

² INGRAHAM, P.: ‘Of pigs in pokes and policy diffusion: another look at PFP, ‘ Public Administration Review, 53, 1993, pp. 348–356.

followed by 41% of civil servants with 2% increase (Information on service assessment 2004, 2005 Civil Service Office). Thus, we can see that this mechanism has not been used for real performance evaluation but as a substitute for an additional permanent annual increase of salary and was abolished in 2009.

Some ministries have experimented with performance management systems internally, particularly the Ministry of Finance, with a big success. The lack of a strong central driver for institutional reform overall has led to a decentralized approach to PFP that has created strong disparities in overall government capacity and has reduced the overall effectiveness of.

Personal Bonuses

The personal bonus may be as high as 100% of the monetary salary base for quality fulfillment of service tasks. Nevertheless, it is already negotiated in the contract of the civil service and only non fulfilling of the tasks results in the cuts in the personal bonuses. In addition to the personal bonus also **rewards** can be provided for targeted output or high quality work. Each ministry decides internally on the amount and mechanism of the payment of both personal and reward bonuses for its civil servants and this information is not publicly available on the grounds of data protection.

Special Bonuses

The 2003 reform introduced two distinctive posts with permanent special bonuses: *the nominated civil service* and *posts of 'superior significance'*. The nominated civil service is to reward top officials with automatic 50% pay increase to monetary salary base. Posts of superior significance have a permanent special bonus to monetary salary base of 50-100% of their tariff salary, however, with an obligation to disclose their and their family's assets. These posts are designated by the Minister and head of office for tasks and priorities stemming from the Cabinet Memorandum (including EU tasks) and used to be approved by the Civil Service Office and government through systemization if additional finances were required. If the ministry was able to provide the **permanent special bonus** from its own budget without asking additional resources from the state budget, the posts do not need to be approved by the government. There used to be approximately 300 posts of superior significance with

permanent special bonuses according to systemization data which after its abolishment are non existent). In addition, there are posts of superior significance with **permanent special salary**. These posts are designated by ministers and heads of office in appropriate Ministry and approved together with the proposed salary by the government in order to oversee the process. The salary is calculated on the basis of comparison with private sector. Under Dzurinda's government in 2002-2006 this was used for the following five posts quite successfully: Head of the State Treasury, Head of the Debt Management Agency, Chief Economist at the Ministry of Finance, Head of the Anti-corruption Unit at the Government Office, and Head of Programming of Structural Funds at the Ministry of Labor, Social Affairs and Family. Posts of superior significance had the aim of attracting and remunerating civil servants in posts that were difficult to fill or posts where good salaries should serve as a prime anti-corruption measure. These measures have been evaluated very positively because highly qualified staff was attracted and also the obligations under this regime are a counterbalance for higher base salary.

CONCLUSION

In this paper, our aim was to map what the World Bank in its 2007 report named as „innovative elements“ that the central government developed and introduced in 2003 reform package as well as show to what extent did they work in practice. The findings of the paper do not support many of the assumptions that surrounded the initial adoption of these elements. Consequently, there was a big gap between goals and reality. Big difficulty lies in the **hybrid position-and career-based system** which exists in Slovakia and which does not allow for proper career planning and promotion.

Another major weakness of the reform package was the **low capacity in the coordinating** body – Civil Service Office – which did not succeed to overcome the highly fragmented administrative system and complex coalition politics. When the base of the organization is weak, other management techniques have a poor and unreliable foundation to build on. As a result, many innovative elements were utilized only in some ministries to a big benefit but did not succeed to roll out to the administration as a whole (e.g. performance management). The lack of horizontal coordination systems has led to a general erosion of merit

principles. However, any managerial efforts need to be conducted in an integrated manner due to their complex and inter-related nature which means that isolated solutions are insufficient. Following the termination of the Civil Service Office, very little was done to develop new mechanisms for integration, co-ordination and oversight.

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