

*Rozwój administracji publicznej  
w państwach Grupy Wyszehradzkiej*

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PRACA ZBIOROWA POD REDAKCJĄ

ANNY GĄDEK



WYDAWNICTWA PAŃSTWOWEJ WYŻSZEJ SZKOŁY ZAWODOWEJ W TARNOWIE  
TARNÓW 2016

Publikacja ukazała się nakładem Państwowej Wyższej Szkoły Zawodowej w Tarnowie


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Tarnów 2016

ISBN 978-83-941202-4-5



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Zakład Usług Poligraficzno-Wydawniczych „SKRYPT” Sp. z o. o.  
w Tarnowie, ul. Do Huty 15

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Juraj Marušiak

## **The Reform of the Public Administration in Slovakia**

The public administration reform is a permanent topic of the political parties' disputes and it is also one of the division lines within the society. The discussions reflect not only political conflicts between center-right parties on one side and center-left and nationalist forces on the other side, but also reflect the ethnic differences in Slovakia. However, the historical regions in Slovakia, which was till 1918 the part of the Hungarian Kingdom, were not identical with the ethnic boundaries, i.e. boundaries between the regions populated by Slovaks and ethnical Hungarians. They were even not identical with the newly established borders between Czechoslovakia and Hungary since 1918 and finally confirmed by the Trianon Peace Treaty in 1920. Therefore, a characteristic feature is the gradual abandonment of the historical principles in the territorial-administrative division of the country and also weak tradition of the regional self-administration. The first Czechoslovak Republic (1918 – 1938) was a democratic state with a high level of respect for the human rights and political pluralism. However, their elites preferred a centralized model of state administration. It was caused not only by the close ties between the first Czechoslovakia and France and by certain inspiration by the political system established in France, but also by the fear of the separatism of the Slovaks and ethnic minorities living in Czechoslovakia which represented almost 35 percent of its population. The non-democratic regime of the autonomous Slovak Land (Slovenská krajina) in 1938 – 1939 and subsequently, the authoritarian and even totalitarian Slovak State (1939 – 1945) were highly centralized and they did not presume the regional self-administration. They even gradually abolished the self-administration on the level of municipalities. In the period of the 'controlled democracy' (1945 – 1948) the local elections were not held. During the communist regime the self-administration both on the local and regional levels were merged with the state administration. In fact, in the periods of 1938 – 1945 and 1948 – 1990 the public administration was under a strict control of the ruling political party which lead to the power monopoly. The local self administration has been restored since the first free local elections in 1990, but the organs of the regional self-government were established only in 2001. The independent Slovak Republic during its first years represented a centralized model of state administration. However, the lack of regional self-administration for such a long time was caused by the lack of political consensus among political elites as well. This is one of the reasons for low understanding of the role or the regional self-administration in the Slovak society since 2001.

### Administrative reforms in Slovak history<sup>172</sup>

The first model of administrative organization of the country and territorial division of the territory of present-day Slovakia had been established in the Greater Moravian state and it was inherited by the early Hungarian state as well. The state administration and local power were organized around the castles. In the first stage these administrative units were called "comitat" (in Slovak *kráľovský komitát*; in Hungarian "megye" or later "vármegye", which was probably taken from Slavonic "medja" / "medza" = territorial border). The system of "comitats", later called "royal counties" (*kráľovská župa*) worked since 10<sup>th</sup> till 13<sup>th</sup> – 14<sup>th</sup> century. The main mission of "royal counties" was administration of the state (king's property), which was at that time almost entire territory of the state. Besides "royal counties" there were established the frontier castles (Latin – *marchiae*) around the state borders as well. The "royal counties" were divided into the "castle districts", however their number was unknown. In 13<sup>th</sup> century Slovakia was divided into 14 royal counties. The increase of their number since 10<sup>th</sup> century was connected with the gradual consolidation of the territory of Hungarian Kingdom and with the shift of its border northward.

The model of "royal counties" was finally abandoned in 14<sup>th</sup> century due to the establishment of the so called "noble counties" (*stolice*), which were controlled initially by the so called "royal servants", i.e. by the future gentry and aristocracy. They receive stable borders in 15<sup>th</sup> century which, with some minor changes, endured till 1918. These regions are considered, mostly by the conservative authors, as the "natural regions"<sup>173</sup>, although they were established in a relatively late period. The head of the county was "ispán" (in Latin: comes; in Slovak *župan*) nominated by the king, however he was responsible mostly for security issues (as a military commander) and for the control over the incomes of the county. However, the main power was concentrated in the hands of the deputy head of the county (Hungarian – "alispán", in Latin: vicecomes; in Slovak: *podžupan*), who was elected by the lower and middle nobility. The regional self-government was an important political tool in the hands of the gentry and middle nobility. Since 14<sup>th</sup> century there were 21 "noble counties" established on the territory of contemporary Slovakia. The territory of "noble counties" was divided into the dominions (*panstvo*), i.e. areas controlled by the land-owners. The seat of the dominions was in the castles and their mission was to control the property of the land-owner. The lower administrative unit was *Processus* (in Slovak: *slúžnovský okres*, in Hungarian: *szolgabírói járás*; in German: *Stuhlbezirk*). The head of administration in *Processus* was the "noble judge" (in Slovak: *slúžny*). Model of *Processus* (*slúžnovský*

<sup>172</sup> See more: E. Mesíková, *Vývoj územného a správneho členenia na Slovensku*, in: *Politické vedy*, vol. 11, nr. 3-4, pp. 72-96; V. Volko – M. Kiš, *Stručný prehľad vývoja územného a správneho členenia Slovenska*, Bratislava, Ministerstvo vnútra SR 2007.

<sup>173</sup> O. Dostál – D. Sloboda, *Prečo treba župy namiesto krajov?* In: *týždeň*, nr. 12, 2005, 21.3.2005. Available at: <http://www.konzervativizmus.sk/article.php?381>

okres) survived even till the first years of Czechoslovak Republic. The special status had three provinces of towns in Spiš in northern Slovakia.

The specific administrative units were the royal free cities controlled directly by the king. Royal free cities disposed of the elected self-government, their inhabitants enjoyed a status of free people. Free cities received political and economic privileges and enjoyed high degree of autonomy. Besides free royal cities the special status had been granted to the "free royal mining towns", which were subordinated directly to the king as well. Since 1876 they were replaced by the "cities with established municipal council".

The first attempt to replace the feudal model of "state self-administration" and to centralize the power in order to establish the modern state took place in the period of Enlightenment, during the rule of the Emperor Joseph II. He replaced the main county heads (župan) by the king's commissioners, several counties had merged into larger administrative units (districts, in Slovak: *dištrikt*), the local and regional administration was put under the state control; the privileges of the free cities were abolished as well. The major part of Slovakia's territory was divided into three districts (Nitra, Banská Bystrica, Košice), certain parts of Slovakia belonged to the districts of Pešť (Pest), Mukačevo and Ráb (today Győr). However, this reform was in power only for a very short time, because it was cancelled by Joseph II himself before his death (1790). Subsequently, the previous model of the noble counties was restored.

The following stage of centralization took place after the suppression of the Hungarian revolution 1848-1849 – during the regime of the so-called Bach absolutism. The territorial division and administrative arrangement were regulated by several documents – 1<sup>st</sup> provisional arrangement (1849 – 1850), Geringer Provisional arrangement and subsequently, by the "Definitive" arrangement (January 1853 – October 1860). In 1849 Slovakia was divided into five military districts (since 1853 governors' departments) and instead of counties the state counties, led by commissioners and appointed by the central government in Vienna<sup>174</sup>, were established.

However, Bach absolutism was abolished in 1859 and the old system of "noble counties" was reintroduced. The Hungarian parliament and regional self-government were restored again. The October Diploma of 1860 and the February Constitution adopted in 1861 confirmed the unique character of the historical lands<sup>175</sup>.

The full restoration of the Hungarian system of administration took place after the Austro-Hungarian compromise in 1867. The municipal committees as the organ

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<sup>174</sup> See more: E. Mesíková, *Vývoj územného a správneho členenia na Slovensku*, in: *Politické vedy*, vol. 11, nr. 3-4, pp. 72-96; V. Volko – M. Kiš, *Stručný prehľad vývoja územného a správneho členenia Slovenska*, Bratislava, Ministerstvo vnútra SR 2007.

<sup>175</sup> E. Bakke, *Doomed to failure? The Czechoslovak nation project and the Slovak autonomist reaction 1918-38*. Oslo: Series of dissertations submitted to the Department of Political Science, Faculty of Social Sciences, University of Oslo, 11/1999, p. 110. Available at: [http://folk.uio.no/stveb1/Doomed\\_to\\_failure\\_links.html](http://folk.uio.no/stveb1/Doomed_to_failure_links.html).

of political representation of counties' self-government appointed the executive bodies and they were divided into two groups. The first one was represented by the so called "virilists", i.e. the biggest individual tax-payers in the county, the second one was composed of the elected representatives. However, only the people who met criteria of census (in terms of property, education, income etc.) were eligible for voting. However, the gradual centralization took place in the last third of 19<sup>th</sup> century. In 1869 the judicial power was set apart from the power of counties and later many other issues became an exclusive domain of the government and state administration<sup>176</sup>. In 1870 the privileges of the free royal cities were abolished and in 1877 only four cities retained a status of "municipal cities" – Bratislava, Košice, Banská Štiavnica and Komárno.

Big communities (municipalities) disposed of their own notaries (the lowest level of state administration), for smaller municipalities one borough's notary was established.

After the establishment of the first Czechoslovak Republic centralization and reduction of the self-government on the local and regional level took place. One of the main reasons for the situation was the fear of ethnic separatism in the country, but probably also the aim to weaken the political influence of the old pro-Hungarian elites. In Slovakia the system of the provisional counties was preserved, but they lost self-government. Slovakia was further divided into 95 districts (*slúžnovský okres*) and into 35 cities with municipal authorities (*mesto so zriadeným magistrátom*), which did not belong to any district. The capitals of some former counties remained on the territory of Hungary, therefore these counties merged with other. Therefore in 1922 there remained only 16 counties and four "municipal cities". Thus in 1922 Slovakia was divided into 93 districts, 35 cities with municipal authorities and four "municipal cities".

The administrative reform adopted in February 1920 postulated the establishment of 21 counties in Czechoslovak Republic, including Czech lands, where the counties did not exist before. However, the new bigger counties (unofficially called "*veľžupa*") were established only in Slovakia. In fact in Czech lands the counties were not established at all and in Sub-Carpathian Ruthenia the old Hungarian counties were preserved till 1928. There were six counties established in Slovakia. All cities (towns) became incorporated into the counties, including Bratislava and Košice. On the other hand, only these cities were proclaimed cities with municipal authority, i.e. they were placed on the equal level with districts. During the years 1922 – 1928 Slovakia was divided into 96 districts and 2 cities with municipal authority.

The following administrative reform took place in 1928, when Czechoslovakia had been divided into four lands (in Czech: *země*; in Slovak: *krajina*) (Bohemia / *Čechy*, Moravian-Silesian Land / *Krajina moravsko-sliezska*, Slovakia / *Slovensko*, Sub-Carpathian Ruthenia /

<sup>176</sup> J. Žudel, *Stolice na Slovensku*. Bratislava: Obzor 1984.

Podkarpatská Rus) with limited self-government. Two members of the land's council were elected in the proportional electoral system, one third of deputies were nominated by the government. The head of the land's council and administration was the land's president, appointed by the president. The lands were introduced in the framework of the policy of decentralization with the aims to prevent the growth of the demands of autonomy of Slovakia, required by the right conservative Slovak Peoples' Party.

Slovak Lands received autonomy in October 1938. It was a consequence of the Munich Agreement in September 1938, as a result Czechoslovakia lost its border territories with Germany and, subsequently, in November 1939, Slovakia lost its southern territories to Hungary. The change of the borders and the establishment of the new political regime, initially authoritarian, but with growing elements of totalitarianism, caused the need of the new state administration reform. On the grounds of the First Vienna Award (2 November 1938) Slovakia lost 21 percent of its territory, including the second largest city – Košice, and 26 percent of its inhabitants (854 thousand people). Therefore, Slovak Lands consisted only of 58 districts. Later their number increased to 59 plus the city of Bratislava, which received a status equal to a district.

After the proclamation of the independent Slovak Republic (14 March, 1939) in July the new territorial arrangement was introduced. Some new districts were introduced; however Slovakia had been divided into six counties.

The counties were abolished after the restoration of Czechoslovakia in spring 1945. The districts in south Slovakia were reintroduced. After 1945 Slovakia was divided into 80 districts. On the level of municipalities and districts there were established "national committees" (národné výbory) as the state administration bodies. Later they received the role of self-administration as well, however the first "elections" to the national committees (under the control of the Communist Party with the power monopoly) took place only in 1954. Besides Bratislava, the municipality Vysoké Tatry (High Tatras) achieved a status of a district. In Czech lands after 1945 the lands system was restored.

After the communist coup in February 1948 the system of the local (or towns') national councils was completed by the establishment of a new level of state administration – region (in Slovak / Czech: kraj). There were six regional national committees (krajský národný výbor) established in Slovakia since 1949. The process of disintegration of the districts had continued, so in 1949 there were already 92 districts (Košice, Bratislava and Vysoké Tatry had a status of an urban district). Later, in 1954 urban districts of Bratislava and Vysoké Tatry achieved a status of region and they were put under the direct control of the Corps of Commissioners (Slovakia's autonomous organ of executive power established during the Slovak National Uprising in 1944 and acting from 1945 till 1960). The territory of Bratislava was divided into four boroughs. City of Piešťany (the famous Slovakia's spa) received a status of region in 1958.

However, the model "small districts" and "small regions" was abandoned after the following administrative reform in 1960, which was marked by the centralization. The number of the regions had been reduced (10 in entire Czechoslovakia, hereof only 3 in Slovakia (West Slovakia, Central Slovakia and East Slovakia). The number of the districts was reduced to 38. During a short period of liberalization of the regime in 1969 the regional level of state administration was abolished, but the regions were restored once again in 1971. This model survived till 1989. Its main change took place in March 1968 when the city of Bratislava received a status of separate administrative unit, equal with regions. Another successful reform, which survived even the Soviet occupation and further "normalization" (i.e. return to the dogmatic neo-Stalinist politics in 1969-1970), was the establishment in 1968 of four new districts – Stará Ľubovňa, Svidník, Vranov nad Topľou and Veľký Krtíš in response to popular demands of the inhabitants of respective regions<sup>177</sup>.

### **Local and regional government after the political changes in 1989**

In the Slovak Republic the local government has two levels – municipal and regional. The regional system of the public administration has been established only in the second half of 1990's and only in 2001 the regional state administration was amended by the regional self-administration. The structure and model of the state administration are the subject of the conflict between different political parties. Whereas the centre-right parties are advocating the model of a specialized state administration, the nationalistic and centre-left parties prefer an integrated model of the state administration. Due to the lack of the consensus within the Slovak political elites the state administration undergoes many changes. The specific case is the discussion on the territorial division of Slovakia. Only in 20<sup>th</sup> century Slovakia experienced even ten reforms of the territorial division of the country, generally organized by the highly-centralized or non-democratic regimes. These reforms didn't take into account the historical traditions and natural dispositions of the regions, whilst from 11<sup>th</sup> century till 20<sup>th</sup> century only five reforms of the state administration took place on the territory of contemporary Slovakia<sup>178</sup>. Such a trend has continued after 1989.

Since 1996 Slovakia has been divided in 8 regions (kraj). The largest is Banskobystrický region with the area 9 454 km<sup>2</sup>, the area of the smallest one – Bratislavský region – is 2 053 km<sup>2</sup>. On the other hand there are big differences in the population density of the regions which results from different natural conditions. Thus, the most populated region is Prešovský region which has 809 443 residents and the

<sup>177</sup> See more: V. Volko – M. Kiš, *Stručný prehľad vývoja územného a správneho členenia Slovenska*. Bratislava, Ministerstvo vnútra SR 2007.

<sup>178</sup> D. Sloboda, *Slovensko a regionálne rozdiely. Teórie, regióny, indikátory, metódy*. Bratislava, Conservative Institute 2006, p. 15 – 16.



Trnavský region has the smallest number of population – only 563 081. However, the Bratislavský region, which includes the capital - 306,3 inhabitants per km<sup>2</sup>, has the highest population density. In spite of the large area the population density of the Banskobystrický region and Prešovský region is very small – only 69 and 90,2 inhabitants per km<sup>2</sup>. According to the statistical data collected at the end of 2010 about 54,68 % of the Slovak population lives in the urban areas. However there are big regional differences in the level of urbanization. The Bratislava region with 81,71 % of the inhabitants living in the towns / cities is the most urbanized region, whilst the lowest level of urbanization is observed in the regions with the highest level of the development of agriculture – the Nitriansky region (46,47 %) and the Trnavský region (48,13%)<sup>179</sup>. Therefore, the regions of Slovakia are quite unequal in the terms of the population and the level of socio-economic development. For example, the GDP per capita exceeded the EU average (186 %) only in the Bratislava region, but in three regions of Slovakia the regional GDP per capita does not reach the level of 75 % of EU average (situation in 2011). On the other hand, unlike Poland, eastern Hungary, Romania and Bulgaria, no one Slovak region belongs to the 20 regions with the lowest regional GDP per capita<sup>180</sup>. Whereas, the richest region of Slovakia – the Bratislavský region – provides 27,58 percent of country's GDP, the Banskobystrický region provides only 8,58 and Prešovský region only 8,82 percent of the country's GDP<sup>181</sup>. The territorial division of Slovakia was affected by the competition between particular interests of the political parties. Therefore, for example, the Trenčiansky region was established, although Trenčín had never before been the seat of the region. In spite of the industrial tradition, the Trenčiansky region provides only 9,7 percent of the GDP of Slovakia (state in 2011). There is a different situation in the Trnavský region, which comprises the territories without satisfactory transport connection with the seat of the regional administration in Trnava. According to the official statistical data, provided by the Statistical Office of the Slovak Republic, the highest unemployment rate was recorded in the eastern and central regions of Slovakia (19,7 percent in Košický region, 18,3 percent in the Prešovský region and 18,0 percent in Banskobystrický region), the lowest unemployment was in the Bratislavský region (5,6 percent) (as for 1 January, 2012)<sup>182</sup>. These data show high disparities between the regions, which have an impact on the electoral behavior of their inhabitants. In Bratislava and in big cities

<sup>179</sup> Slovensko – všeobecné charakteristiky za rok 2010. Bratislava, Statistical Office of the Slovak Republic 2010. <http://portal.statistics.sk/showdoc.do?docid=2213>

<sup>180</sup> Regionálny hrubý domáci produkt 1995 – 2011, in: Eurostat Newsrelease 29/2014 - 27 February 2014. Available at: [http://portal.statistics.sk/files/Sekcie/sek\\_300/330/rev\\_hdp/Regionalny\\_hruby\\_domaci\\_produk\\_1995\\_2011.pdf](http://portal.statistics.sk/files/Sekcie/sek_300/330/rev_hdp/Regionalny_hruby_domaci_produk_1995_2011.pdf)

<sup>181</sup> Regionálny hrubý domáci produkt 1995 – 2011, in: Eurostat Newsrelease 29/2014 - 27 February 2014. Available at: [http://portal.statistics.sk/files/Sekcie/sek\\_300/330/rev\\_hdp/Regionalny\\_hruby\\_domaci\\_produk\\_1995\\_2011.pdf](http://portal.statistics.sk/files/Sekcie/sek_300/330/rev_hdp/Regionalny_hruby_domaci_produk_1995_2011.pdf)

<sup>182</sup> Nezamestnanosť- Bratislava, Statistical Office of the Slovak Republic 1999-2012. Available at: <http://portal.statistics.sk/showdoc.do?docid=1801>

(for example Košice) the centre-right parties have generally a higher support than in the poorer areas, where the voters support left-wing or nationalist (both Slovak and Hungarian) parties.

According to the Statistical office, there are currently 2 933 municipalities (in Slovak: obec) in the Slovak Republic (2014), including 138 towns (in Slovak: mesto). The size of more than 56,6 % municipalities is 200 – 1000 inhabitants, however only 15 % of inhabitants live there.

The main regulations concerning the local self-administration were set by the Law on the Municipal Establishment no. 369/1990 Zb.<sup>183</sup> The institutional position and arrangement of the local self-administration of the cities with the number of population more than 200 thousand (currently only Bratislava and Košice) are regulated by the special legal acts. There are only very general legal provision defining the differences between the municipalities and towns (cities). The status of the municipality can be raised to the level of a town upon the decision of the National Council of the Slovak Republic, if it meets the following criteria: town has to be the economic, administrative and cultural center or a tourism center or a spa. It should provide services for the inhabitants of the neighboring municipalities, have the traffic connections with the neighboring communities and, at least in some parts, it should have the urban character of architecture. If the municipality fulfills these conditions, it does not need to meet the condition of having the population of at least 5 thousand inhabitants. Thus, the indispensable criteria to become a town are very loose and some towns do not meet them, and still maintain the status of a town only because of historical reasons, for example, Modrý Kameň with approximately 1600 inhabitants.

Municipality is an independent territorial and administrative entity associating the persons with the permanent residence on its territory. Municipality is a legal person with its own property, budget and own sources of incomes. According to the Act No. 369/1990 Zb. there are no differences in the competences between the municipalities and towns. They have an equal position. However, such arrangement provides big personal, organizational and financial problems for the local self-governments, especially in the case of the small municipalities. The small villages frequently have problems with finding the candidates for the deputies of the local assemblies and for mayors. Such villages also have problems with providing necessary services to their inhabitants<sup>184</sup>. The Slovak legislation does not define the minimal size of municipality. Therefore, there are some municipalities with an extremely low number of inhabitants. According to population census of 2011, the village of Príkra (district

<sup>183</sup> Law nr. 369/1990 Zb. (Zákon č. 369/1990 Zb. o obecnom zriadení).

<sup>184</sup> J. Šutajová, *Formovanie obecnej samosprávy na Slovensku*, in: *Človek a spoločnosť*, vol. 2006, issue 2, Available at: <http://www.saske.sk/cas/archiv/2-2006/Sutajova.html>.

Svidník, the Prešovský region), with eight permanent residents only<sup>185</sup>, was the smallest municipality in Slovakia. Only the Prešovský region has the highest number of small municipalities. This region has a huge number of remote areas in its northern and eastern parts with a low level of industrialization, rapid decline of the vacant jobs and with a high level of labor and economic migrations to big cities or even abroad.

The state administration may delegate authority to local governments for particular tasks that are financed by the state funds<sup>186</sup>. Many municipalities use the right to merge with other municipalities and they create common municipal offices in order to fulfill some of their duties. They may issue ordinances that are binding for all individuals and corporate bodies within their jurisdiction. Such ordinances may be superceded or invalidated only by parliamentary acts. Decisions concerning administrative matters of municipal offices may be appealed in district offices. With some statutory exceptions, local authorities are independent from the state supervision<sup>187</sup>.

The municipality could be established, merged with the other municipality, divided or abolished upon the governmental regulation, however such decision could not be adopted without the approval of the respective municipality by means of a local referendum.

According to the Fiscal Decentralization Act No. 564/2004 Z. z., the responsibilities and financial autonomy of the municipalities were increased. The main responsibilities of the towns and municipalities include primary education, environmental issues, issuing of building permits, social assistance, health care, regional development, sport etc. Local governments are permitted to collect local fees and taxes, which constitute 28 % of their total incomes. Local authorities receive 72 % of the total income from the taxes paid by natural persons.<sup>188</sup>

The decision-making bodies of the local government are the municipal council and the mayor. Both the municipal council and the mayor are elected directly. Their tenure is four years. The local elections have only one round, the candidates gaining highest number of the votes become the mayor and members of the municipal council. The local elections are organized as a majority election. However, more than one member of the municipal council could be elected in one constituency. The mayor

<sup>185</sup> Prešovský kraj mal najmenšiu obec Prikra s ôsmimi obyvateľmi, in: Prešovský korzár, 21. 7. 2012. Available at: <http://presov.korzar.sme.sk/c/6465565/presovsky-kraj-mal-najmensiu-obec-prikra-s-osmi-mi-obyvatelmi.html>

<sup>186</sup> J. Nemec – P. Bercik – P. Kuklis, *Local Government in Slovakia*, in: Horváth, T. (ed.): Decentralization, Experiments and Reforms, Budapest, OSI/LGI 2000, p.304.

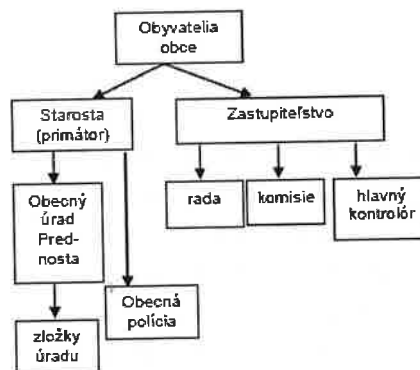
<sup>187</sup> J. Nemec – P. Bercik – P. Kuklis, *Local Government in Slovakia*, in: Horváth, T. (ed.): Decentralization, Experiments and Reforms, Budapest, OSI/LGI 2000, p.304

<sup>188</sup> D. Leška, *Formovanie politického systému na Slovensku po roku 1989*, Bratislava, Infopress 2011, p. 164 –165.

("starosta" in municipality; "primátor" – in towns or major cities) represents the municipality in all matters; he is responsible for the decisions on the municipal property and for the organization of the municipal administration. Municipal council may decide to establish an executive board which is elected by the municipal council from at the most of one third of members of the municipal council. An executive board is an advisory body of the mayor. The municipal council can establish other advisory bodies – commissions. Members of commission may be not only the elected deputies of the municipal council, but the local inhabitants as well<sup>189</sup>.

The municipal office (obecný / mestský úrad) is an executive body of the municipal council. Its head (in Slovak: prednosta) is appointed by the municipal council on the proposal from the mayor. The municipal council appoints the chief inspector of the municipality and the chief of municipal police on the proposal of the mayor<sup>190</sup>. The internal structure of the local governments in the towns and cities is identical. Generally the inhabitants opposed the attempts to merge some small municipalities with the bigger ones. The small municipalities can establish a common municipal office sharing some duties together, for example, issuing building permits, providing domiciliary services, taking care of the local roads and streets, primary schools, protection of nature, water system, regional development, fire prevention, cemeteries etc. The municipalities can establish a common municipal office on the grounds of an agreement defining the commonly shared activities. There were 233 common municipal offices established in Slovakia in May 2014 and they work for almost 3 thousand municipalities<sup>191</sup> (see the functioning of the regional self-government, Chart 1).

**Chart 1. The local self-government in Slovakia**



**Source:**

V. Volko – M. Kiš, *Stručný prehľad vývoja územného a správneho členenia Slovenska*, Bratislava, Ministerstvo vnútra SR 2007, p. 89.

<sup>189</sup> Law nr. 369/1990 Zb. (Zákon č. 369/1990 Zb. o obecnom zriadení).

<sup>190</sup> J. Nemec – P. Bercik – P. Kuklis, *Local Government in Slovakia*, in: Horváth, T. (ed.): Decentralization, Experiments and Reforms, Budapest, OSI/LGI 2000, pp. 297 – 242.

<sup>191</sup> E. Hindická – M. Kiš, *Spoločné obecné úrady. Celkový prehľad spoločných obecných úradov so stavom k 9. 5. 2014*, Bratislava, Ministerstvo vnútra SR 2014. Available at: [http://www.minv.sk/swift\\_data/source/verejna\\_sprava/spol\\_obec\\_urady/sou\\_2014/SOU\\_aktual\\_09052014.pdf](http://www.minv.sk/swift_data/source/verejna_sprava/spol_obec_urady/sou_2014/SOU_aktual_09052014.pdf)

**Translation:**

Obyvatelia obce:	Inhabitants of the municipality
Starosta (primátor):	Mayor (starosta – in municipalities; primátor – in towns)
Zastupiteľstvo:	Municipal council
Obečný úrad:	Municipal office
Prednosta:	Head
Obečná polícia:	Municipal police
Zložky úradu:	subdivisions of the office
Rada:	Council
Komisie:	Commissions
Hlavný kontrolór:	Main controller

There are some elements of the direct democracy present in the local government of Slovakia. The municipal council may call a municipal assembly where relevant issues concerning the life of municipality can be discussed. A local referendum is obligatory in the issues of a merge with another municipality, division of municipality, its abolishment and change of its name, as well as suspension of the mayor of the municipality. Local referendum may be called on the petition of at least 30 % of the eligible voters. The system of the local self-government is relatively stable; its main principles were settled already in 1990, at the beginning of the political transformation.

The second level of the local government – the self-governing regions, which are also called the Upper-Tier Territorial Units, were established in 2002 upon the Act no. 302/2001 Z.z. Their structure is copying the structure of the administrative division of Slovakia adopted in 1996. However, the other arrangement of the regional self-governing regions, based on 12 historical regions or on three regions existing in the years 1960 – 1989 plus the capital city of Bratislava as an separate region<sup>192</sup>, were discussed. The arrangement with 12 historical regions was even approved by the government, but the parliament finally approved the arrangement with eight self-governing regions<sup>193</sup>. It was the result of the conflicts within the wide coalition government. The political representatives of the Hungarian minority proposed the establishment of the Komárňanský kraj with the majority share of the ethnic Hungarians. Such a requirement was presented in January 1994 by the Komárno assembly of the representatives of the local self-administrations from the municipalities inhabited by the members of the Hungarian minority, which required the position of the "partner nation" for the Hungarian minority and establishment of the Hungarian

<sup>192</sup> D. Leška, *Formovanie politického systému na Slovensku po roku 1989*. Bratislava, Infopress 2011, p. 170.

<sup>193</sup> V. Volko – M. Kiš, *Stručný prehľad vývoja územného a správneho členenia Slovenska*, Ministerstvo vnútra SR 2007, p. 59 – 61.

ethno-regions<sup>194</sup>. According to the recent territorial division of Slovakia, the Nitriansky region has the highest share of the Hungarian minority – around 30 %. Later, in 2005 and 2009 an ethnic cleavage became the dominant political cleavage in this region. Therefore, the political parties, representing ethnic Slovaks, created the so called “Slovak” coalition (regardless of being in the ruling coalition or opposition on the national level) against the candidates appointed by the Hungarian Coalition Party (Strana maďarskej koalície).<sup>195</sup>

The main areas of responsibilities of the regional governments cover secondary education, railways, tourism, bus transportations, maintaining of the roads, social assistance, theaters, museums and galleries, health service and civil protection. The regions are allowed to collect the taxes and they receive 23,5 % share of the total income from the taxes of natural persons.<sup>196</sup> The structure of the regional government is similar to the structure of the local government. The regional councils (in Slovak: krajské zastupiteľstvo) and the head of the self-governing region (in Slovak: predseda samosprávneho kraja) are the decision-making bodies. Both of them are elected directly and their tenure lasts four years. The members of the regional council are elected by a majority election, but, similarly to local elections, more than one member of the regional council can be elected in one constituency. The regional council is elected in one round. The head of the self-governing region is elected in two-round system. The two most successful candidates from the first round advance to the second round<sup>197</sup> (see the functioning of the regional self-government, Chart 2).

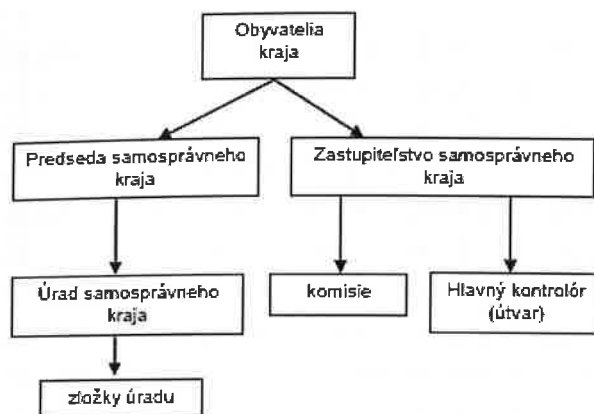
<sup>194</sup> L. Szarka, *Menšinový politický pluralizmus a budovanie komunitnej identity maďarskej menšiny. Činnosť maďarských strán na Slovensku v rokoch 1989 – 1998*, in: J. Fazekas. – P. Hunčík, (eds.), *Maďari na Slovensku (1989 – 2004). Súhrnná správa. Od zmeny režimu po vstup do Európskej únie*, Šamorín, Fórum inštitút prevýskum menšín 2008, p. 103.

<sup>195</sup> This party has changed its name to Hungarian Coalition Party (Strana maďarskej komunity) in September 2012.

<sup>196</sup> D. Leška, *Formovanie politického systému na Slovensku po roku 1989*. Bratislava, Infopress 2011, p. 176.

<sup>197</sup> See further information: Law nr. 302/2001 Z.z. (Zákon č. 302/2001 Z. z. o samospráve vyšších územných celkov (zákon o samosprávnych krajoch)) and Law nr. 303/2001 Z.z. (Zákon č. 303/2001 Z.z. o voľbách do orgánov samosprávnych krajov).

**Chart 2. The regional self-government in Slovakia**



**Source:** V. Volko – M. Kiš, *Stručný prehľad vývoja územného a správneho členenia Slovenska*, Bratislava, Ministerstvo vnútra SR 2007, p. 94

**Translation:**

Obyvatelia kraja:	Inhabitants of the region
Predseda samosprávneho kraja:	head of the self-governing region
Zastupiteľstvo samosprávneho kraja:	Regional council
Úrad samosprávneho kraja:	Office of self-governing region
Komisie:	Commissions
Hlavný kontrolór (útvár):	The main controller (subdivision)
Zložky úradu:	Subdivision of the office

Although the scope of responsibility of the regional governments is quite large, the attention paid by the media and the public to the regional elections is very low. One of the reasons could be that the elections in Slovakia are organized very often and always at a different time (parliamentary, presidential, local, regional and elections to the European Parliament). Generally the regional elections are organized once a year before the parliamentary elections (with the exception of elections in 2013, which followed the early parliamentary elections in March 2012), which are the main concern of the political parties elites. The regional elections are considered to be an opportunity to test the alternatives of new coalitions, and sometimes in each region different blocks take part which is sometimes non-transparent and incomprehensible to the voters. The regional distribution of the support of political parties is quite stable. In big cities (Bratislava, Košice) there is stronger support of the centre-right parties (conservative, neo-conservative or liberal), whereas in other regions voters preferred the nationalist or centre-left parties. In south Slovakia the political parties representing the Hungarian minority have strong position.

They are particularly strong in the south-west regions, i.e. the Nitriansky and Trnavský regions. Therefore, the turnout in the local elections is very low and it is even declining (see Table 1). Another reason for such a low voter turnout is that political elites do not explain the importance of the regional administration to the voters in a sufficient way. The regional self-administration is still perceived as a new institution, the current administrative-territorial arrangement has been adopted without wider consensus among political elites. This lack of a positive identification with the regional self-government is shown by the usage of the dual names for these administrative units – self-governing region or / and Upper-Tier Territorial Units, even in respective legislation. Media widely use the name “župa” for the self-governing regions and name “župan” for the head of this region as well, with regard to historical traditions. Therefore, the voter turnout in the local (municipal) elections is higher, although it has been dropping down since 1990 as well (see Table 2).

**Table 1. Regional elections in Slovakia – voter turnout**

<b>Elections / Year</b>	<b>Voter turnout (First round; in %)</b>	<b>Voter turnout (Second round; in %)</b>
2001	26,02	22,61
2005	18,02	11,07
2009	22,90	18,39
2013	20,11	17,29

**Source:** Statistical Office of the Slovak Republic

**Table 2. Local elections in Slovakia – voter turnout**

<b>Elections / Year</b>	<b>Voter turnout (in %)</b>
1990	63,75
1994	52,42
1998	53,95
2002	49,51
2006	47,65
2010	49,69

**Source:** Statistical Office of the Slovak Republic



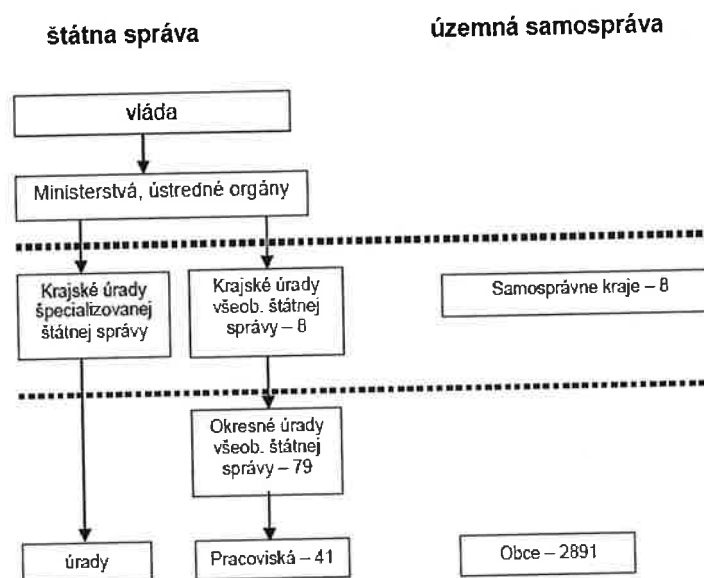
### Administrative reforms in Slovakia since 1989

The organization of the state administration on the local and regional level is the topic of the political disputes between the political parties. Therefore, Slovakia experienced several reforms or attempts to reform the state administration. In 1990 the dual model, based on the strict separation of the state administration and the local self-government, was imposed. In this respect Slovakia is the exception among the V4 countries<sup>198</sup>. The self-administration and state-administration on the regional level (3 regions + Bratislava) were abandoned. 38 district authorities and 121 borough authorities on the level between the district and municipality<sup>199</sup> became the core of the state administration. Besides the general state administration authorities the specialized state administration authorities were established as well, but only on the level of districts. Some duties in the framework of the delegated state administration were transferred to the communities.

This administrative reform was abandoned in 1996. According to the new Act no. 221/1996 Z.z. on the territorial and administrative division of the Slovak Republic, Slovakia was divided into 8 regions and 79 districts (see Chart 3). The former "big districts were divided into smaller ones, however with a certain exception in the areas inhabited by the Hungarian minority. In south Slovakia the smaller districts were not established as a matter of fact. The partition of the state administration on the general and specialized units continued. Such a reform, mainly the establishment of the so-called small district, was criticized, because some smaller towns were not prepared to become the seats of districts. Sometimes the district authority of the general state administration had become the main or one of the biggest employers in the underdeveloped areas.

198 J. Šutajová, *Formovanie obecnej samosprávy na Slovensku*, in: *Človek a spoločnosť*, vol. 2006, issue 2, Available at: <http://www.saske.sk/cas/archiv/2-2006/Sutajova.html>.

199 D. Klimovsky, *Public Administration Reform in Slovakia: 20 Years of Experience without Different Institutional Settings on the Local and Regional Levels*, in *Analytical Journal*, vol. 3, issue 1, p. 6; D. Leška, *Formovanie politického systému na Slovensku po roku 1989*. Bratislava, Infopress 2011, p. 181.

**Chart 3. Public administration arrangement 1996 – 2003**

**Source:** V. Volko – M. Kiš, *Stručný prehľad vývoja územného a správneho členenia Slovenska*, Bratislava, Ministerstvo vnútra SR 2007, p. 63.

#### Translation:

Štátna správa:

state administration

Územná samospráva:

territorial self-government

Vláda:

government

Ministerstvá, ústredné orgány:

ministries, central institutions

Krajské úrady špecializovanej štátnej správy:

Regional specialized state administration authorities

Krajské úrady všeobecnej štátnej správy – 8:

Regional general state administration authorities

Okresné úrady všeob. štátnej správy – 79:

District general state administration authorities

Úrady:

authorities

Pracoviská:

detached offices

Samosprávne kraje:

self-governing regions / Upper-Tier Territorial Units

The new reform was adopted in 2003. According to it the previous 79 district authorities were replaced by 50 borough state authorities of the general state admini-

nistration (obvodné úrady) in 2004, however with more 64 temporary or permanent offices detached in the particular towns (generally in the seats of the former district authorities, with the exception of southern Slovak town Štúrovo, that previously was not the seat of the district). The new administrative units – boroughs (obvody)<sup>200</sup> comprised either one big district, either a few smaller districts. In 2007 the regional general state administration authorities were abolished. On the regional and district level only specialized state administration authorities remained. The last mentioned authorities were finally abolished since 1<sup>st</sup> January, 2013. The fiscal decentralization caused the transfer of the high share of the powers of the state administration to the local and regional self-government, which fulfills the duties of general state administration.

The problem of the administrative reforms and the state administration at all is to the high extent because of its politicization, when the leading positions are occupied by the nominants of the currently ruling political parties. The first wave of politicization of the state administration took place at the beginning of 1990s, when the Act no. 362/1990 Zb. was adopted. The act allowed the removal of the people working in the managing positions by the government. The aim of such a law was to push forward the process of de-communization of the public sphere. The government of Vladimír Mečiar (1992 – 1998) adopted the legal regulation on the Civil Service of military officers, policemen and customs officers. The adoption of the new Act on Civil Service and Act on the Public Service anticipating their professionalization and de-politicization was a part of *acquis communautaire* and it was an agenda of the wide right-left coalition government of Mikuláš Dzurinda, whose aim was to accelerate the EU-integration process. The conception supported by the Party of Democratic Left was based on the establishment of the status of civil servants and presuming the principle of security employment for the state officials. Another conception was promoted by centre-right conservative and liberal parties based on more flexible model of civil service. Respective legal act was adopted in 2001. Although it assumed the substantial de-politicization of the state administration, after the establishment of the coalition of centre-right parties in 2002 this principle was weakened in favor of the political principles of the appointment of civil servants, in particular for the managing positions<sup>201</sup>.

The following reform of the state administration was adopted in 2013<sup>202</sup>.

<sup>200</sup> Please, do not confuse the boroughs established in 2003 with the boroughs existing in 1990 – 1996.

<sup>201</sup> M. Beblavý – E. Sičáková-Beblavá a kol. *Koaličná zmluva či zákon? Právna úprava a realita politicko-administratívnych vzťahov na Slovensku*. Bratislava, Fakulta sociálnych a ekonomických vied Univerzity Komenského, 2011, pp. 26, 70 – 71.

<sup>202</sup> Law nr. 180/2013 Z.z. (Zákon č. 180/213 Z.z. o organizácii miestnej štátnej správy a o zmene a doplnení niektorých zákonov).

On 1<sup>st</sup> October 2013 the former borough authorities were replaced by the 72 district general state administration authorities, i.e. the second government of Robert Fico decided to abandon the model of the specialized state administration in favor of an integrated model. For big cities such as Bratislava and Košice there was established only one district authority, although both of these cities are comprised of more districts (Bratislava is divided into five districts, Košice consists from four districts (see Map 1). However there are only 49 full-fledged district authorities (former borough authorities with the exception of Štúrovo). The issues such as road transport, agriculture, forestry, hunting, landscaping, small trading and general administration are under their jurisdiction. The head of the district (or formerly borough) authority (in Slovak: *prednosta*) is nominated by the government. Generally their nomination is a result of political consultations of the ruling political parties.

On the other hand, the new territorial reform and return to the model of general state administration is only a part of the intended large-scale administrative reform, as it was announced in the Government Manifesto of the second government of Robert Fico in 2012<sup>203</sup>. According to the government, the main target of the public administration reform is its modernization and efficient performance. The measures to be used in order to achieve these aims are the improvement of the legislative framework governing the public administration, the above mentioned integration of the specialized state administration, economization of the public administration based on reviewing the cost-effectiveness of individual products and / or activities provided by public administration, development of the e-government, enhancement of the transparency standards of public administration and public access to information as well as increasing the accessibility of public administration to the citizens. According to "Government Manifesto" the goal of the return to the single state administration authority is to "simplify the communication between citizens and state administration". Such goals should be achieved by the introduction of the single service points, or so called "one-stop-shops". This idea was developed in the ESO program (*Efektívna, Spoľahlivá a Otvorená štátna správa* – Efficient, Reliable and Open state administration), approved by the government in April 2012<sup>204</sup>. The establishment of the above mentioned "one-stop-shops", i.e. the front-offices is scheduled for the years 2014-2015<sup>205</sup>.

<sup>203</sup> *Manifesto of the Government of the Slovak Republic*. Bratislava, Government Office of the Slovak Republic 2012. Available at: <http://www.vlada.gov.sk/manifesto-of-the-government-of-the-slovak-republic/>

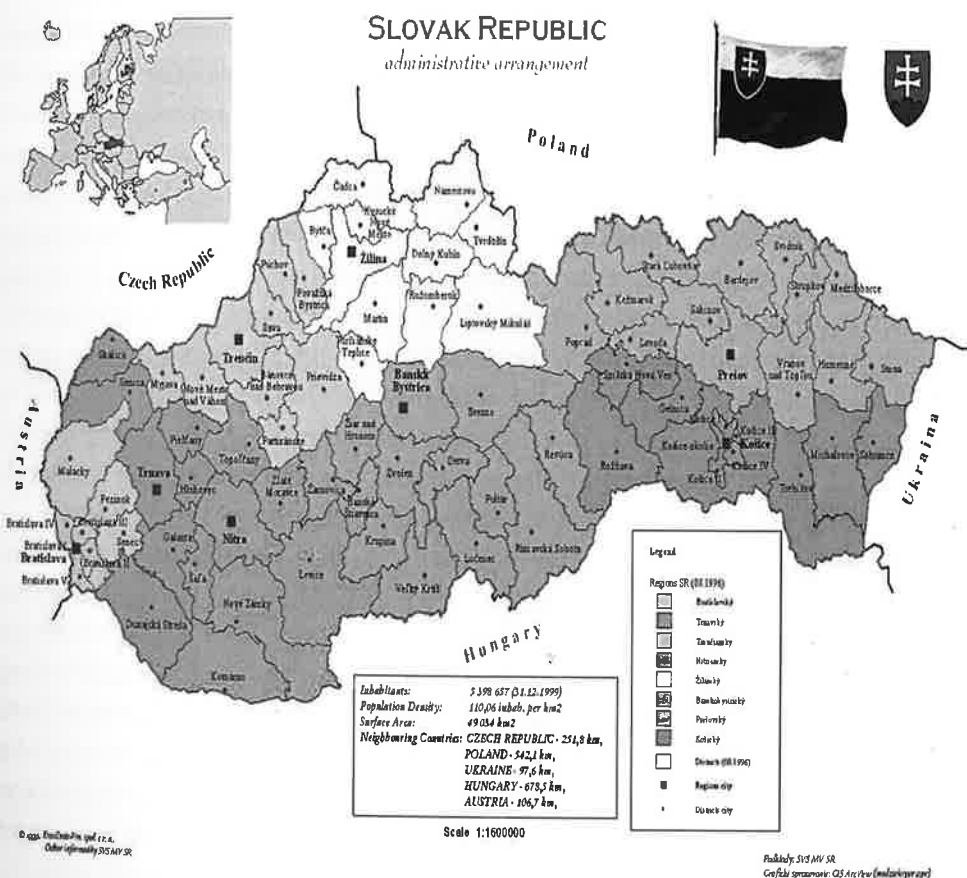
<sup>204</sup> *Program ESO (Efektívna, Spoľahlivá a Otvorená štátna správa)*. Číslo materiálu: UV-14892/2012. Rezort: MV SR. Rezortné číslo: KM-OPVA1-2012/002028. Bratislava: Government Office of the Slovak Republic 2012. Available at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20957>

<sup>205</sup> *Vládny program ESO*. Bratislava: Ministry of Interior, official website. Available at: <http://www.minv.sk/?eso-efektivna-spolahliva-otvorena-verejna-sprava>

## Conclusions

Frequently repeated administrative reforms in Slovakia show the lack of consensus in this issue among Slovak political elites. These reforms allow the replacement of the managers as well as employees of the state administrative institutions after the parliamentary elections and the occupation of such positions by the members or "confidants" of the ruling political parties. On the other hand, the system of the local self-government has been relatively stable without any substantial changes since 1990. The territorial-administrative division of the country is still the source of conflicts between political parties and it is also caused by the ethnic diversity of country's population. However, the main problem of the efficiency of state administration and its credibility in the eye of public is the high level of its politicization and corruption.

**Map 1. Slovak Republic – administrative division (since 2013)**



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**Bibliographical note:**

The part of this article was published as the part of the following article: Marušiak, Juraj: *The Political System in the Slovak Republic*, in: Gizicki, Wojciech (ed.): *Political Systems of Visegrad Group Countries*. Trnava: University of Ss. Cyril and Methodius in Trnava – Lublin: The John Paul II Catholic University of Lublin 2012, pp. 107-148. The part of the article focused on the public administration see p. 127-132. Available at: [http://www.isl.org.pl/publikacje/7.PS\\_V4.pdf](http://www.isl.org.pl/publikacje/7.PS_V4.pdf)

Ivan Halasz

## **The New Fundamental Law of Hungary and Transformation of the Hungarian Public Administration I**

On 18 April 2011, the Parliament of the Republic of Hungary adopted a new Fundamental Law of Hungary, that is, in principle, a new constitution of the country. Its creation was preceded by an interesting political development which was started by the parliamentary elections in April 2010 won, by two-thirds, that is, constitutional majority, by the two-coalition of the Young Democrats Association and the Hungarian Civic Association (FIDESZ-MPSZ) and the Christian Democratic People's Party (KDNP).

The deputies formulated several basic objectives and endeavours of the Hungarian state. These are directed both inside and outside the country. Hungary wants to protect its language together with the sign language which is also part of the national culture, wants to protect the institute of marriage and family, support birth rate. The economy is based on work, which forms the values, and on the freedom to do business. Every person is responsible for himself and is obliged to contribute to the performance of the state and social duties according to his abilities and possibilities. Hungary, together with its citizens, will try to preserve and protect natural sources, that is, the fertile land, forests, waters, biological diversity, to preserve the domestic species of animals and plants in the nature within it since their preservation is needed also for the future generations. In the interest of peace and safety, as well of the sustainable life of the mankind, the country will try to cooperate with all nations and states. In the interest of freedom, wealth and the accomplishment of safety, it participates in the creation of European unity.

Accordingly to the Fundamental Law, Hungary is an independent, democratic state governed by the rule of law. Hungary is a republic and an unitary state. The source of public power shall be the people. The people shall exercise its power through its elected representatives or, in exceptional cases, in a direct manner. The functioning of the Hungarian State shall be based on the principle of separation of powers. No person's activity shall be aimed at the forcible acquisition, exercise or exclusive possession of power. Every person shall be entitled and obliged to act against such attempts in a lawful way. The territory of Hungary shall be comprised of counties, cities, towns and villages. Cities and towns may be divided into districts.

After the constitution-making the Hungarian parliament adopted many new cardinal acts, which have transformed the system of the Hungarian public administration on the