



## THE LEGAL-THEORETICAL TERMS OF CITIZEN PARTICIPATION IN THE ADMINISTRATION OF PUBLIC AFFAIRS IN THE SLOVAK REPUBLIC

Eleonóra Kováčová<sup>1</sup>

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### Abstract

The level of development of every country is reflected in constitutional regulation and consequent laws that regulate citizens' rights to participate in the administration of public affairs. The Constitution of the Slovak Republic and related constitutional laws establish the democratic and constitutional basis of the legal state of the Slovak Republic. The establishment of the Slovak Republic in 1993 required reformulating and enacting all rights and symbols of the state. The principle "*the state's power derives from the citizens*" is embedded in the Constitution. However, doubts are currently being raised as to whether the citizens participate in the administration of public affairs in the estimated range and in the appropriate manner as it is embedded in the Constitution of the Slovak Republic. The scope of the article is extensive, due to the character of the selected problems. This also affected the main goal of the article. Since the aim is considerably large, it was necessary to define several partial objectives. At the same time, it was desirable to examine other indicators that contributed to the main aim. The aim of the article was to summarize, analyze and categorize the available facts about the legal-theoretical terms for the participation of citizens in public life in the conditions of the Slovak Republic, as well as within the EU.

### Keywords

Citizen, Power, Political Rights, Constitutional-legal Basis, Participation, Civil Society, Principle

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### I. Introduction

The Constitution of the Slovak Republic is an important political and legal document that is acknowledged to be of high moral and legal value. It presents the model of democratic life of the citizen and the society, functioning of democratic state institutions

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<sup>1</sup> Faculty of Political Science and International Relations, Matej Bel University in Banská Bystrica, Kuzmányho 1, 974 01 Banská Bystrica, Slovak Republic. E-mail: eleonora.kovacova@umb.sk.

and bodies of territorial self-government. The Constitution thus became a legal basis for the transformation of socio-economic changes of society and state in the newly established sovereign state entity.

The Constitution of the Slovak Republic combines national, civil and international principles in a harmonious way. Through the Constitution, power gets into the hands of the people. The Constitution puts the citizen first. The regulation of state power that should serve them takes second place. Both of these crucial areas of constitutional relations are determined by declaring the fundamental values that state and society aim at. The citizen is viewed as a source of constitutive power which stands above the state. In this context, the principle of democracy reflects citizens' legitimate rights to adopt the Constitution they are bound by. The citizens are viewed in the Constitution as the ones that exercise power – the constitutive power – because they can use it within the limitations of the Constitution directly or through their elected representatives.

The Constitution of the Slovak Republic builds the principle of democracy by other provisions. It confers the right to take part in the administration of public affairs on the citizens and acknowledges referenda as a direct form of democracy. Elections present a fundamental and the only acceptable way to ensure the legitimacy of the legislative body which includes the representative mandate – a relation between a Member of Parliament and the elector.

The main purpose of the article was to summarize, analyze and categorize the legal-theoretical terms for the participation of citizens in public life in the conditions of the Slovak Republic, as well as within the EU. The first partial goal is to determine whether the citizens participate sufficiently, as is allowed to them by the Constitution of the Slovak Republic. The second partial goal is to determine whether the people feel responsible for public affairs, or whether a trend towards individualism prevails. For writing the article, the methods of analysis and synthesis in the form of logical analysis and comparative methods were used. This approach enabled us to apply the inductive method, which allowed us to draw general, or even more general conclusions on the basis of the individual premises. The text is focused on a specific period and has a territorial commitment – and those are other reasons why it is difficult to reduce it to only the processed data. Theoretical as well as practical and functional points of view are included in the article, therefore, to obtain clarity, it is not possible to reduce their empirical data, which corresponds to the scope of the article. Since this is a specific issue in the Slovak Republic, the information was primarily collected from Slovak authors. The information was primarily collected from expert literature. The methodological process also consisted of collecting material in the form of laws, regulations, and various documents. The article has highlighted new facts and specifications, which should be given due attention. Transparent processing of the chosen problem demonstrates not just the current situation, but also possible trends of future development – the perspectives of democratic society, local democracy, and in infinite order, the influence and participation of citizens.

## II. The Legal Regulation of Citizens' Participation in the Administration of Public Affairs

The foundation of the legal theory concerning the clarification of legal-theoretical terms of citizen's participation in the public life, draws from Article 30 of the Constitution of the Slovak Republic. Other provisions of articles in the second, fourth, fifth and sixth titles of the Constitution of the Slovak Republic are closely connected to this explicit determination of the right to participate in the administration of public affairs.

Article 30, Section 1 of the Constitution of the Slovak Republic states that: *"Citizens shall have the right to participate in the administration of public affairs directly or through freely elected representatives"*. In Section 4 of the same Article, it is embedded that: *"citizens shall have access to the elected and public offices under equal conditions"*. The provisions outline the basic understanding of this right as a political right. The Constitution as a whole accommodates two forms of democracy: indirect or parliamentary democracy on the one hand and direct democracy on the other. Indirect or parliamentary democracy can be characterised by everyday manifestations of the exercise of powers. Direct democracy can be defined as occasional democracy. This occasional element is, according to M. Gašpar, its characteristic feature.<sup>2</sup> According to the Constitution, citizens shall have the right to participate in the administration of public affairs in two forms, i.e. directly or through freely elected representatives. One form cannot be preferred over the other. This means that in political practice, representative democracy (in which the decision-making mandate of the citizen is transferred to his/her representative) cannot be preferred or favoured, in the course of the formation of the political system, over direct democracy in which it is primarily the citizen who exercises and controls the administration of public affairs. Territorial and interest self-government can be regarded as forms of direct democracy. They are based on the election of executive bodies (such as the mayor, municipal council, etc.). The holder of the original sovereignty of power – the citizen – is not, however, separated from their direct check.<sup>3</sup>

Participatory democracy allows the public a wide range of active participation – public control, public decision-making and the formation of the public interest. Participation is often understood as: *"participation in social life, membership in social organizations and interest groups, and finally the very participation in the elections, organizing petitions, participation in a referendum or attendance at meetings"*. It follows that: *"civic participation is an alpha and omega to determine the level of democracy of a given political system"*.<sup>4</sup>

### The referendum

The referendum – local or national – is a typical form of direct citizen participation in the administration of public affairs. Citizens decide on each subject matter directly and definitely, i.e. as reasonably and appropriately as possible. It concerns the individual,

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<sup>2</sup> Gašpar (2004).

<sup>3</sup> Řehůřek (1997).

<sup>4</sup> Kováčová (2010, p. 169).

separate, discrete questions to which the citizen responds in the form of discrete decisions – i.e. discontinuous decision-making context.<sup>5</sup> A referendum is: “*a summary of those constitutional norms that are embedded in the Constitution in connection with the referendum. It is also a summary of norms that are to be applied whenever the referendum is to be held and a summary of constitutional norms that tell us about the way the referendum is to be held and how to implement proposals adopted in it*”.<sup>6</sup> It can be also understood as: “*an authorisation to decide on a specific issue directly by citizens in the form of general elections*” and “*deciding on specific issues concerning the public interest directly by the citizens*”.<sup>7</sup> The referendum is always declared to decide on issue/issues that is/are more or less connected with the public interest. It cannot, however, address any issues of public interest that are *expressis verbis* excluded from referendum. Referendum results are binding and must be carried out within a certain time.

In terms of development, eight referenda took place in the independent Slovak Republic at the national level but only one was declared to be valid. The lowest turnout was in a referendum in 1997 in which voters had to decide on the country’s accession to NATO and on other security issues, as well as the direct election of the president. Although only 9.53% of voters participated in the referendum, the Slovak Republic is a full member of the North Atlantic Alliance, and since 1999 voters have directly elected the head of state – the President of the Slovak Republic. The only valid referendum was the referendum held in 2003 – the referendum on the accession of the Slovak Republic to the EU. N. Kováčová states that: “*the referendum whose priority question stressed the accession of the Slovak Republic to the EU in 2003 can be regarded as the only valid and successful referendum held in the Slovak Republic*”.<sup>8</sup> Up to 92.46% of 52.15% of voters agreed to join the European Union. In 2015, Slovaks could decide again in the form of a referendum (a referendum on the family), but only 21.41% of the eligible voters took part in the referendum. The referendum was declared void.

### **The right to vote**

In Article 30, Section 2 of the Constitution of the Slovak Republic, it is embedded that: “*elections shall be held within periods of time not exceeding the regular electoral term provided by a law*”. The regularity of electoral terms can be set in two ways – by specification of the exact date or a period of time. Both must be specified before the election, i.e. they cannot be altered during the electoral term. Article 30, Section 3 of the Constitution of the Slovak Republic states that: “*the right to vote shall be exercised through universal, equal and direct suffrage by secret ballot. The terms of exercise thereof shall be laid down by law*”.

Universal suffrage can be understood as the right of all citizens of the state who have reached the age limit laid down in the Constitution to participate in the creation of their

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<sup>5</sup> Sartori (1993).

<sup>6</sup> Gašpar (2004, p. 30).

<sup>7</sup> Gašpar (2004, p. 30).

<sup>8</sup> Kováčová (2012, p. 307).

representative bodies on all levels<sup>9</sup> – i.e. *the active right to vote* and to run for member of any representative body, usually when reaching a particular age limit – i.e. *the passive right to vote*. The universality of suffrage determines who may participate in elections, whereas its equality decides on the extent and importance of the participation. The equality of suffrage means that each citizen should have equal status in the elections, i.e. only one vote. His/her vote is worth the same as votes of other electors. The exercise of the right to vote by secret ballot is closely related to the principle of free elections. Its foundation lies in the fact that the electors should be enabled to cast their vote in the form of a ballot paper in secret so that it is not possible to find out afterwards how they voted or what their decision was.<sup>10</sup>

From November 2013 to November 2014, the Slovak Republic went through a long electoral term. In November 2013 elections took place at the level of regional self-government – a higher territorial unit, in March 2014 the elections of the President of the Slovak Republic took place, in May 2014 it was elections to the European Parliament. Elections to regional self-government – a higher territorial unit – were attended by 20.11% of eligible voters. Elections to the President of the Slovak Republic were held in two rounds: 43.4% of eligible voters participated in the first round and up to 50.5% of eligible voters participated in the second round. E. Kováčová states that: “elections to the European Parliament are generally characterized by the low participation of Slovak voters, just like elections at the regional level of the Slovak Republic”.<sup>11</sup> In the first European Parliament elections held in 2004, more than 714 thousand Slovak voters took part (16.96%). In 2009, the European Parliament elections attended 853 thousand Slovak voters (19.64%). Compared with 2004, this level of participation can be seen as increased interest on the part of voters. In the number of participating voters in the European Parliament in 2014, Slovakia was the last of all 28 of its EU member states. Only 13.5% of Slovak voters showed interest in the European elections. In November 2014, elections to municipalities – municipal elections – took place. Participation in the first round of municipal elections stood at 48.34%.<sup>12, 13</sup>

## The political rights

The Constitution of the Slovak Republic also includes other provisions that draw from rights that the Constitution guarantees to citizens. Title two, section three of the Constitution deals with political rights, more precisely with *the right to petition* – Article 27; *the right to peaceful assembly* – Article 28; *the right of free association* – Article 29. Section five is concerned with economic, social and cultural rights. *The right to associate with others to protect their economic and social interests* is embedded in Article 37. Special

<sup>9</sup> At the national level, the citizens of the Slovak Republic participate every four years in elections to bodies of municipal, local and regional self-government as well as to the National Council of the Slovak Republic. They elect the President of the Slovak Republic as the Head of the State every five years and take part in elections of members of the Slovak Republic to the European Parliament in the same time interval.

<sup>10</sup> Čič (1997).

<sup>11</sup> Kováčová (2014, p. 201).

<sup>12</sup> Average voter turnout in municipal elections in previous periods was as follows: in 1990 – 63.75%; in 1994 – 52.42%; in 1998 – 53.95%; in 2002 – 66.94%; in 2006 – 47.65%; in 2010 – 49.69% (Kováčová, 2016).

<sup>13</sup> Statistical Office of the Slovak Republic.

attention is dedicated to the fourth title of the Constitution – *territorial self-government*. These provisions of the Constitution of the Slovak Republic present a general norm *sui generis* for ensuring citizen participation in the administration of public affairs.

Each entity of administrative-legal relations can turn to bodies of public administration with demands, suggestions and complaints. In cases of infringement or threat to a citizen's rights through activity or inactivity of public administration bodies, the citizen can demand protection of his/her rights or interests protected by the law by lodging a complaint or motions. More specifically, this concerns examination carried out under the amended Act of the National Council of the Slovak Republic No. 9/2010 Coll. on Complaints.<sup>14</sup> In the complaint, a citizen can directly point out particular shortcomings, primarily infringement of legal regulations, which are to be eliminated by the intervention of a public administration body. The complaints are received, registered and handled under the supervision of state bodies and organisations established by them, municipalities and organisations established by them, legal and natural persons legally entrusted to decide on rights and duties of natural and legal persons.<sup>15</sup>

Pursuant to the current Slovak legislation, the citizen can use the right to petition, guaranteed in Article 27 of the Constitution of the Slovak Republic. This right is legally regulated in the Slovak Republic by the Act of the Slovak National Council No. 85/1990 Coll. on the Petition Right as amended by the Act of the National Council of the Slovak Republic No. 242/1998 Coll., and the Act of the National Council of the Slovak Republic No. 112/2010 Coll., and the Act of the National Council of the Slovak Republic No. 29/2015 Coll. However, the above-mentioned acts do not elaborate on how the consequences of an affirmative or negative conclusion of a petition are guaranteed to be acted upon. The right of petition is guaranteed by the Constitution of the Slovak Republic, Article 27, Paragraph 1. The right to petition is guaranteed – “*everyone has the right, alone or with others, to address requests, proposals, and complaints to state bodies and territorial self-government bodies in matters of public or other common interest*”. The right to petition is a basic political right. It is a tool of participatory democracy. The right to petition allows any citizen to exercise their sovereignty and the right to express their opinion pertaining to public and social matters, thus actively participating in the administration of public affairs.<sup>16</sup> However, the petition must not be directed towards the violation of the constitution or laws. It is another tool that allows civic engagement and public co-decision.

Citizens may also exercise their other rights, i.e. the right of free association. Article 29 of the Constitution of the Slovak Republic states that: “*everyone has the right to associate freely with others in unions, societies or other associations*”. The basic terms of association of citizens are provided in the Act of the Slovak National Council No. 83/1990 Coll. on

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<sup>14</sup> Within valid Slovak legislation, the complaints were originally the subject matter of the Act of the National Council of the Slovak Republic No. 152/1998 Coll. and later of the Act of the National Council of the Slovak Republic No. 164/2008 Coll. The Act of the National Council of the Slovak Republic No. 9/2010 Coll. on Complaints came into effect on the 1st of February 2010 and the previous acts were repealed by it.

<sup>15</sup> At the level of towns and municipalities, complaints and petitions are handled by an inspector general who also keeps a record of petitions.

<sup>16</sup> Kováčová (2016a).

Association of Citizens. The right of citizens to associate freely without permission of state bodies is its fundamental feature.

*Public meetings of citizens* present yet another form of direct participation. By means of these meetings, citizens can get acquainted with, e.g. the current state of activity and management of self-government. Public meetings can be regarded as a feedback tool for the control and management of self-government or the area concerning access to information.

### The right to information

The implementation of the right to information is one of the basic norms and prerequisites for the functioning of any democratic system. It cannot be perceived only as an individual right. The right to information is one of the fundamental human rights guaranteed by the Constitution of the Slovak Republic. In Article 26, Section 1 of the Constitution of the Slovak Republic, it is embedded that: *“freedom of expression and the right to information shall be guaranteed”*. Article 26, Section 5 of the Constitution of the Slovak Republic also states that: *“public authority bodies shall be obliged to provide information about their activities in the appropriate manner”*. The success of democratic administration of the country depends on the quality of dialogue and communication within the system as well as outwards. High-quality communication and desired participation of citizens are prerequisites for a two-way flow of information. The decision-making processes become thereby more transparent, which is naturally reflected in the increasing level of feasibility and efficiency of invested funds. Citizens may, under the Act on Free Access to Information, demand information from state bodies, municipalities, higher territorial units as well as natural and legal persons that have been entrusted by law to decide on the rights and duties of natural and legal persons in the area of public administration.<sup>17</sup> The Act on Free Access to Information, the Act of National Council of the Slovak Republic No. 211/2000 Coll. as amended which came into effect in 2001 is the main legislative tool.<sup>18</sup> The amendment of the act concerned the possibility to file a complaint about procedure against the entity obliged to make information public. The valid legal regulation enables an appeal against any rejection to disclose the requested information, including a review of the decision by an administrative court. However, the law has its defects because: *“a regressive effect of the respective remedy takes place in a non-complex way”*.<sup>19</sup> The Act on Free Access to Information brought significant changes, especially related to the openness of public administration. However, certain shortcomings in the application of the changes emerged and amendments were required. Major amendments to the Act on Free Access to Information took place in 2010, 2011<sup>20</sup>, 2012, 2015 and 2016. Effectiveness and increasing the extent of information published online was discussed. The right amount of information to be published is unclear, as from a certain point on, the system becomes

<sup>17</sup> Article 1, Paragraph 2, Section 1 of the Act of the National Council of the Slovak Republic No. 211/2000 Coll. as amended by later regulations.

<sup>18</sup> The Act specifies conditions for entities obliged to make information public, defines requirements of requests for information and deals with procedure of filing and handling complaints.

<sup>19</sup> Hrtánek (2013, p. 132).

<sup>20</sup> In 2010–2011, the Act on Free Access to Information was amended six times.

counterproductive. As J. Tekeli and M. Hoffmann states: “*the very amount of information published can render orientation difficult, which is the point when the whole concept turns bureaucratic and useless*”.<sup>21</sup> Citizens do not exercise their right to free access to information to the extent that the Act enables them to even though it had already been adopted in 2001. It follows from the above that education is an essential part of improving the quality of life of the entire society. As long as citizens take interest in public administration, they will be well versed in the issue, gain insight into the principles of its functioning and better understand the scope of power of particular levels of administration. They will thus be much more aware of their rights and opportunities to influence decisions that are to be made. If they are not satisfied, they can also use the available inspection tools. Decisions will thereby become more transparent and clearer. It will also be possible to prevent corruption in public administration, which could lead to a more open and reliable public administration.<sup>22</sup>

If the citizen believes that public administration bodies violate fundamental rights and freedoms and do not act in accordance with the law, they can turn to the Public Defender of Rights or the Ombudsman. The Office of the Ombudsman is established in Article 151a of the Constitution of the Slovak Republic. The Ombudsman, as an independent body, facilitates the observing of basic rights and freedoms of natural persons and legal entities pertaining to actions, decision-making or the passivity of public administration bodies if such cases are contrary to legislation or the principles of democracy and the rule of law.<sup>23</sup> The Public Defender of Rights<sup>24</sup> acts on the initiative of a natural or legal person or on its own initiative. The Office of the Ombudsman can be characterised as a *sui generis* audit authority in relationship to public administration bodies. The Ombudsman is obliged to comply with the Act of the National Council of the Slovak Republic No. 564/2001 Coll. on the Ombudsman as amended by later regulations.<sup>25</sup> The Public Defender of Rights investigates and objects against uncivilised and improper administrative procedures, points out areas that need to be improved, suggests remedies and thereby helps to improve the activity of public administration bodies and quality of services provided to the citizens. The Ombudsman does not issue decisions, orders, punishments or fines: he uses argumentation and persuasion to influence the administrative bodies into action in compliance with the

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<sup>21</sup> Tekeli and Hoffmann (2013, p. 247).

<sup>22</sup> Kováčová (2011).

<sup>23</sup> Kováčová (2016a).

<sup>24</sup> The legal basis of activity of the Public Defender of Rights is stipulated in Article 151a of the Constitution of the Slovak Republic and in the Act of the National Council of the Slovak Republic No. 564/2001 Coll. on the Public Defender of Rights as amended by later regulations.

<sup>25</sup> The Act was amended by the following Acts of the National Council of the Slovak Republic: Act No. 411/2002 Coll., Act No. 551/2003 Coll., Act No. 215/2004 Coll., Act No. 523/2004 Coll., Act No. 618/2004 Coll. The most important amendments were the Constitutional Act, No. 92/2006 Coll. and the Act of the National Council of the Slovak Republic No. 122/2006 Coll. The Act on the Ombudsman was amended in 2009 by the Act of the National Council of the Slovak Republic No. 400/2009 Coll. and the alterations were related to the salary regulations of the Office. The Act has been repeatedly amended in recent years, most recently in 2016.



law. The Ombudsman presents a report on their activity to the National Council of the Slovak Republic and also publishes it in available information resources and online.<sup>26</sup>

### III. The Forms of Direct Democracy at the Local Level

However, the development of public administration raises doubts about whether citizens participate in the administration of public affairs in the estimated range and in the appropriate manner as is embedded in the Constitution of the Slovak Republic. Direct democracy is embedded in the Constitution of the Slovak Republic in connection with territorial self-government in Article 67, in which the institutionalised forms of direct democracy at the local level are the following: municipality inhabitants' assemblies, local referendum and referendum on the territory of a higher territorial unit.

#### Municipality inhabitants' assembly

The municipality inhabitants' assembly is a form of democracy from the time when only the decisions that all full citizens had an opportunity to express their opinions on were regarded as decisions adopted in a democratic way. Pursuant to Paragraph 4, Section 2 of the Act of the Slovak National Council No. 369/1990 Coll. on the Municipal Establishment as amended by later regulations, assembly is one of three equal legal ways to exercise municipal self-government.<sup>27</sup> Paragraph 11b of the same Act says that: *“the municipal council or the mayor of a municipality may convene the assembly of inhabitants of a municipality or parts thereof to discuss municipal affairs”*. The municipal council and the mayor of a municipality are entities authorised to initiate and convene the assembly of municipality inhabitants. The purpose of the municipality inhabitants' assembly is to discuss municipal affairs and provide materials to decide on them. The way and form in which it takes place falls completely within the authority of the municipal council. *“Any form that ensures the public nature of assembly and guarantees every citizen the right to participate and express their view and opinion is acceptable”*.<sup>28</sup> Self-government can be exercised through the form of an assembly by a wider range of entities. The assembly should involve a process whose outcome is binding for the representative bodies. However, as is the case for the local referendum, this binding character is not enforceable because members of a municipal council exercise their function on the basis of representative, not imperative mandate. The inhabitants' assembly is addressed only in general. The law does not determine what form a decision by inhabitants should take. It does not address, e.g. to what extent the decision is binding for the municipal council. It has, therefore, only formal significance. The assembly fulfils a role of some kind of *“consultative democracy”*, not of an element that directly participates in self-government.<sup>29</sup> It is up to each local self-government whether or not to accept the decision of the inhabitants, whether to give

<sup>26</sup> Paragraph 23 of the Act of the National Council of the Slovak Republic No. 564/2001 Coll. as amended by later regulations.

<sup>27</sup> Self-government of the municipality can be exercised by its inhabitants through municipal bodies, their vote and assembly.

<sup>28</sup> Krunková (2009, p. 12).

<sup>29</sup> Krunková (2009).

it clear rules and to promote it to a self-regulatory normative act in the form of a generally binding regulation<sup>30</sup>.

### **Local referendum**

The local referendum is in the Act of the Slovak National Council No. 369/1990 Coll. on Municipal Establishment as amended by later regulations, synonymously referred to as a municipality inhabitants' vote. The original purpose was to enable the citizens of the Slovak Republic to decide on municipal affairs directly, by expressing their opinion in the form "Yes–No" on the issue discussed in the local referendum. This is, however, not possible in many ways under the current legislation. The problem is that it requires a high participation quorum to come into force, i.e. 50% of eligible voters and the binding nature of local referendum results, i.e. an absolute majority in the case of a valid local referendum. Another problem is that the municipal council is empowered by law to assess whether the conditions for declaration of the local referendum have been fulfilled. As stated in the Act, the local referendum is declared by the municipal council. It can be initiated by municipality inhabitants upon a petition signed by at least 30% of a municipality's eligible voters or upon a resolution of the municipal council.<sup>31</sup>

The terms of declaring compulsory and optional local referenda are legally regulated. A compulsory local referendum can be declared in cases concerning the unification, division or dissolution of a municipality as well as a change of a municipality's name. It is also to be declared in case of mayor's removal from office upon a petition submitted by at least 30% of the municipality's eligible voters. In matters that under Paragraph 4 are determined to be crucial for decision-making on other important affairs of municipality's self-government, the municipal council can declare an optional referendum on the given matter before issuing its decision. In this case, the results of the referendum have a consultative nature. Both forms of local referendum are equal in terms of the binding character of their valid results. The Act on Municipal Establishment does not, however, address the question of binding character. A similar situation applies here as in the case of the municipality inhabitants' assembly, i.e. the municipal council should respect the results of a valid local referendum and adopt its future decisions and actions toward them in an appropriate manner (e.g. in connection with the rule-making of the municipality – when adopting resolutions and generally binding regulations). Enforcement of this kind of action is, however, not possible in practice from the legal point of view.

Local referenda used to be declared mainly in the first years of existence of the independent Slovak Republic. Later on, this trend to initiate them began to decline together with the turnout of a municipality's inhabitants entitled to express their opinions on the given issue. Local referenda dealt with the removal of the mayor to a great extent. However, their results remained valid only in exceptional cases because of the low turnout of eligible

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<sup>30</sup> A generally binding regulation of a municipality issued by a municipal council is a generally binding legal act which cannot contradict the Constitution of the Slovak Republic, constitutional laws, laws or international treaties accepted by the National Council of the Slovak Republic which were ratified and proclaimed in a way stated by the law.

<sup>31</sup> Paragraph 11a of the Act of the Slovak National Council No. 369/1990 Coll. as amended by later regulations.

voters. Referenda have still been held, e.g. in cases of territorial integration, changes of a municipality's name or division of a municipality or a town. Unfortunately, it is also confirmed by A. Krunková that: *“the law of the Slovak Republic sets only minimum European standards in relation to normative ensuring of participation of the Slovak citizens in territorial self-government through forms of direct democracy... The respective legal provisions do not contribute to actual implementation of institutionalised forms of direct democracy... This could be partially solved by more thorough legal regulation of analysed institutes. It would support citizens' direct participation in territorial self-government through its provisions”*.<sup>32</sup>

Compared to parliamentary politics, self-government is much more connected with the direct participation of citizens in the co-decision. Self-government at the local level or at the municipal level is closest to citizens, it provides them with the necessary services and at the same time it is the level at which citizens can best feel the presence of public activity.<sup>33</sup> On the municipal level, citizens can much earlier and easier influence the management of public affairs and enter into decision-making processes as well as affect large policies. However, the citizen, under the influence of various factors, decides to what extent they will participate, whether or not to decide and to what extent.

#### **IV. Citizen Participation in Managing National and European Affairs**

Development of public administration raises doubts about whether citizens participate in public affairs to the extent required, and appropriately so, as enshrined in the Constitution of the Slovak Republic. In principle, public administration is there to serve the citizen rather than vice versa. Therefore, there should be no barriers between them, but they should be closer to each other.

The issue of good governance is now the main point of the negotiations at European level but also at national, regional and local level. From the experience of the most advanced countries, it may be noted that good governance prevents many problems as well as misunderstandings between citizens and public authorities. Good governance is therefore a requirement at all levels of governance. E. Kováčová states that good governance is particularly important at the local level because: *“local government is closest to citizens and provides them with the necessary services, and at the same time it is a level where citizens can best feel the presence of public activity”*.<sup>34</sup>

A serious problem seems to be communication between citizens and public authorities. Communication should correspond to the level of the citizen, but also the rules and principles of ethics and morality. The problem lies in the form of communication or discussion – we cannot discuss, we do not talk about the core of the problem, we cannot criticize, we cannot draw constructive conclusions, we cannot find solutions – and therefore, due to mutual misunderstanding, a conflict forms that is often considered at the expense of expertise and experience as a purposeful and politically subordinate intention.

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<sup>32</sup> Krunková (2009, p. 14).

<sup>33</sup> Kováčová (2010).

<sup>34</sup> Kováčová (2010, p. 196).

The reason for not wanting citizens to manage public affairs remains the availability of information, and the problem may not be the lack of information, but rather the great deal of information. Citizens cannot process the information – they cannot choose the correct alternative. The information harasses them, being biased and overloaded, often appears to be inaccurate, untrue and is often ultimately untrue. Change may be sought in greater responsibility by mass media makers who are specific policymakers, who are specific actors in policy-making. Their impact is significant. As stated by O. Krejčí: *“by their own moralistic approach, mass media can act as an influential guardian of ethical and legal standards”*.<sup>35</sup> Mass media tools strengthen political views and affect the political thinking of citizens, but do not bind to anything. And G. Sartori believes that the low participation of citizens in public affairs is mainly affected by the low level of information. According to G. Sartori, there are three weaknesses in the information process that lead to abstention: a) quantitative deficiency – too little or too much information from which a citizen cannot choose the important ones; b) low objectivity of information; c) poor quality of information that is mediated through mass media.<sup>36</sup> This statement is also confirmed by J. Sopóci, who in his research came to the conclusion that one of the main causes of non-participation of citizens is poor information. The research showed that only a fifth of the population in towns and a third of the population in villages feel sufficiently well-informed.<sup>37</sup> However, it is not clear from the research whether this weak awareness is caused by weaknesses on the side of self-government or weak interests, or lack of interest on the part of citizens. As reported by R. J. Dalton: *“it is a highly coercive activity because it decides on the composition of the political representation, and at the same time a simple act that does not require a strong initiative or cooperation with others”*.<sup>38</sup> Citizens are more likely to use forms of participation which do not require more effort and are more of a one-off nature. This fact can be explained by the development of society. In the 1990s people felt a kind of enthusiasm for newly acquired rights and freedoms which they did not have during the era of socialism.<sup>39</sup> This enthusiasm was manifested by engaging to a great extent, e.g. in the form of the establishment of various civic associations, and that is why the rate of participation was higher at that time. The countries of Eastern and Central Europe therefore suffer from a political paradox. As the political scientist A. Ágh says, *“large mobilization at the beginning of system changes failed to generate so civic culture and participatory democracy as a new tradition”*.<sup>40</sup> The enthusiasm of people under the influence of the development of social changes subsided and the participation rate was reduced. Citizens prefer to stay out of the society, are passive, stolid and do not participate in public affairs. Citizens are not interested in public presentation, are not politically active – they do not agree with the current political system or the lack of opportunities to enter politics. Ultimately, the result of the whole process is the low participation of citizens, not only in

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<sup>35</sup> Krejčí (2004, p. 123).

<sup>36</sup> Sartori (1993).

<sup>37</sup> Sopóci (1998).

<sup>38</sup> Dalton (1988, p. 41).

<sup>39</sup> Bútorová and Gyárfášová (2010).

<sup>40</sup> Ágh (2010, p. 76).

the election, but also in the whole of the community life. It can be stated that the prevailing trend towards individualism in society is perceived as a negative sign today. As stated by E. Kováčová: *“for many young people, the primary intention is to use freedom primarily for themselves and do not feel responsible for public affairs responsible”*.<sup>41</sup> Participation in referenda, participation in regional elections and participation in European Parliament elections can be identified as the lowest participation.

Citizens can express their voice in decision-making either directly or through legitimately elected bodies that represent their interests. A citizen of the Slovak Republic can engage in his own territory – participate in elections to the bodies of the municipal government, participate in elections to the bodies of the level of regional self-government (a higher territorial unit), participate in elections to the National Council of the Slovak Republic, participate in elections of the President of the Slovak Republic, participate in elections to the European Parliament.

On the 1st of May 2004, citizens of the Slovak Republic became full citizens of the European Union<sup>42</sup>, so since 2004, citizens have participated in the elections to the European Parliament. In May 2014 the third elections to the European Parliament attended by Slovak citizens already took place. Interest in the elections to the European Parliament: *“compared to other member countries was the lowest in Slovakia. However, this is a paradox, because Slovaks, according to surveys, trust the European Union above average”*.<sup>43</sup> Neither elections to the European Parliament nor EU policy are so emotional as the national policies of the Member States. The issue of European policies is remote from the citizen. For citizens it is much simpler and easier to engage in action in their own territory – at the local level – in the municipality, in the city; at the regional level – in the higher territorial unit, at the national level. Slovakia has an extremely low turnout, compared with the European average of 40%. Other Member States show greater interest in the decision-making processes in European organizations. Interest originally hovered somewhere around the level of 60%, and interest has now dropped to 40%. EU policy is not so emotional as to make it more attractive to citizens of the Member States. Even the political parties do not engage much more and do not make the public more interested in public affairs. In general, it can therefore be stated, that the level of participation of Slovak citizens in the elections to the European Parliament is directly proportional to the space dedicated to this issue. Interestingly, despite the low participation of citizens of the Slovak\* Republic in the elections to the European Parliament, up to 70% of the Slovak public evaluates membership in the European Union as positive, which is considerably higher than the European average. As E. Kováčová says: *“the Slovaks are very well aware that if the common European currency in Slovakia was not accepted, the effects of the*

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<sup>41</sup> Kováčová (2010, p. 47).

<sup>42</sup> Besides the Slovak Republic, other countries have also become members of the EU: Cyprus, Malta, Czech Republic, Hungary, Poland, Slovenia, Estonia, Latvia, Lithuania.

<sup>43</sup> Kováčová (2013, p. 32).

*crisis would be much worse*"<sup>44</sup>.<sup>45</sup> It can be said that the decline in trust of Slovaks towards the European Union is not as pronounced as in countries where the effects of the currency and debt crisis were much more intense and deeper.

Mere participation in the elections is still not sufficient participation of citizens in public affairs. In addition to the right to vote, citizens have other ways to participate in public affairs. Accepting Marshall's understanding of citizenship in a sociological perspective thus clarifies the definition of civil society, which is enriched by the political as well as the legal dimension.<sup>46</sup> Participatory democracy allows the public wider opportunities for participation – the referendum as a typical form of citizens' direct participation in the administration of public affairs; then it is the right to petition, the right to peaceful assembly, the right of free association, submission of a suggestion or complaint, participate in public meetings, the right to information. The Constitution of the Slovak Republic in connection with territorial self-government in Article 67 guarantees municipality inhabitants' assemblies, local referendum and referendum on the territory of a higher territorial unit.

In this context, it is important to highlight the importance of education. The current conditions inherently require continuous improvement, deepening, adapting and developing the educational level not only on the side of the public administration (public administration staff, public officials) but also on the side of the citizens. Education and awareness on the side of citizens about the importance of participation in public affairs is a fundamental objective and is an integral part of a modern democratic society. The most effective means is systematic education, upbringing and respect for the law. As stated by E. Kováčová: *"in the context of education, attention must be drawn to the protection of fundamental rights and freedoms, to the protection of the basic rules of civic co-existence, to the stability and the level of human relations. It is also important to positive influence and guidance the young generation in the family, at school and in the workplaces. It is necessary to cultivate habits and attitudes towards fellow citizens, to their rights and ultimately to contribute to the creation of an appropriate system of values"*.<sup>47</sup>

Attention must therefore be paid, above all, to the young generation, because only through the young generation can we build a sense of responsibility for public affairs, not only at the local, regional, national, but also at the European level. Interest in politics, especially in politics at the national level, is associated with growth of knowledge about the functioning of democracy. Clarified political beliefs, and therefore interest in politics binds to certain basic knowledge about democracy and its functioning. According to international EUYOUNG<sup>48</sup> research, in 2004 the percentage of young people in Slovakia was at least

<sup>44</sup> According to an opinion poll made in October 2013 for a Eurobarometer, at the time of the crisis, Slovaks ranked among the clear Euro-optimists. The acceptance of the new European currency was positively evaluated by 56% of respondents, while 31% of Slovaks still did not approve of the new European currency. Compared to 2011, confidence in the European currency on the part of Slovaks had increased by 4%.

<sup>45</sup> Kováčová (2013, p. 35).

<sup>46</sup> Marshall (1977).

<sup>47</sup> Kováčová (2010, p. 213).

<sup>48</sup> EUYOUNG – the transnational project was funded under the European Commission's 5th Framework Program. Its main objective was to develop a new way of measuring the participation of young people in political

(28%), and most young people did not care about politics in the European Union (63%). From the results of a study of students it can be stated, that in 2007, 13% of high-school students were on the left, while 16% were on the right. College students clearly showed a preference for a right-wing orientation. In 2007, approximately 14% of college students were on the left, but up to 30% were on the right. This state cannot be interpreted as a relatively even distribution.<sup>49</sup> The polarization of political orientation on the right-left scale in favor of right-wing orientation is: “*a new phenomenon of the political and civic profile of the studying youth*”.<sup>50</sup> In 2009, interest in politics was approximately the same as in 2005 and 2007; 4–5% of students were very interested, while 30–32% had considerable interest in politics. It is a fact that the political profiling of students is deepened in the course of their political socialization, and this begins to play an important role in selecting their closest friends or even life partners.

Equally interesting are the results of further research. The results of international research UP2YOUTH<sup>51</sup> revealed that no EU country has a system that would give young people a direct say in policy-making. However, all countries have different structures that allow limited participation in a particular form.<sup>52</sup> As mentioned by L. Macháček: “*countries, regions and municipalities have developed and tested various forms of youth parliaments or youth forums, with mixed results*”.<sup>53</sup> Young people contribute to the formal political agenda by focusing mainly on environmental issues, poverty, racism and education. They organize demonstrations and take part in discussions and negotiations with local politicians. In addressing various social as well as global challenges, young people make extensive use of modern communication technologies. The digital world makes it possible to create networks and in a short time it is possible to see concrete results from this activity. This creates a virtual loop between action and engagement. However, the Internet itself does not reflect the new age of political participation. It is just a powerful medium through which digital resolution reproduces social differentiation.

Instead of constant efforts to increase the level of traditional participation, society could accept young people’s activities and ideas as innovation, especially if we admit that many of the themes of the current political agenda have emerged from new social movements in which the younger generation was involved. As mentioned by L. Macháček, “*we need to consider new forms of participation by young people represent, for example: post-subcultural scenes*”.<sup>54</sup> Perhaps it would be worth considering whether their lifestyle, habits and attitudes, which are often referred to as socially inadmissible, are not innovative and politically correct activities. Many studies on youth have confirmed that a new generation

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activity. The project was attended by researchers from eight EU member states (Austria, Estonia, Finland, France, Germany, Italy and United Kingdom).

<sup>49</sup> Macháček (2010).

<sup>50</sup> Macháček (2010, p. 11).

<sup>51</sup> UP2YOUTH is the abbreviated name of the international research project, which focused on the problems of young people in the context of social change.

<sup>52</sup> Macháček (2009).

<sup>53</sup> Macháček (2010, p. 26).

<sup>54</sup> Macháček (2010, p. 28).

is much more interested in specific global political and social topics at the local level as traditional forms of political self-expression.

The participation of citizens in the democratic political process is influenced by many other factors – historical development of the country, customs, traditions, political culture, political system and so on. The degree of alienation is particularly pronounced in the case of high politics.<sup>55</sup> In order to avoid such an undesired condition, it is desirable to pay attention to the declining participation of citizens in the electoral process. It is equally necessary for elected officials who represent the interests of citizens to be as close as possible to citizens and for them to communicate with each other. Representatives of bodies of the territorial self-government that is closest to citizens should patiently and repeatedly explain the role and status of local and regional self-government. It should also be borne in mind that public debate is not only about decision-making, but also about determining public interest and awareness of the links between individual interests and the needs of individual members of the respective communities, and the interests of the community as a whole. At the same time, emphasis should also be placed on the form of dialogue and communication between citizens and local elected representatives in finding answers to complex open questions, taking in account the different situations of citizens who are often located in difficult life situations and who are most interested only in whether they will have a job and their life security. In the case of the correction of individual disputed areas, it can be assumed that local democracy moves forward, thereby highlighting citizen status, which is irreplaceable in a democratic society.

## V. Strengthening of the Civic Status

Political and interest pluralism are encoded in the foundation of self-government. The development of participatory democracy can be regarded as a reliable path that leads to the strengthening of civic status. Participatory democracy enables the citizen to participate in the exercise and supervision of the administration of public affairs. M. Řehůřek states that: *“dissemination and cultivation of participatory democracy seems to be the most appropriate way to harmonise the political system with development trends of the postmodern situation”*.<sup>56</sup>

At the same time, it is important to realise that: *“civil society is essential not only for articulation and defence of differentiated interests of citizens and maturing in terms of their social identity but also as a precondition for appropriate exercise of state power”*.<sup>57</sup> Civil society can be found only in the early stages of searching for its identity. Even though it gradually overcomes the stage of apathy, it is still not fully developed. It lacks order and solidarity of groups and it is a place where problems and conflicts arise. It also lacks a positive value consensus and its authoritarian tendencies are quite apparent. M. Gbúrová states that: *“despite the above risks and complexities of modern society, there still exist*

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<sup>55</sup> Kováčová (2014a).

<sup>56</sup> Řehůřek (1997, p. 28).

<sup>57</sup> Palúš (2005, p. 14).



*realistic preconditions for a European citizenship to develop according to the classical European ideal: unity in diversity and diversity in unity”*.<sup>58</sup>

Denationalisation or diffusion of state power into civil society structures is regarded as a starting point for the development of civil society. It affects almost all spheres of social life, primarily the economic sphere, the sphere of information and mass media, the social sphere etc. I. Palúš further states that: “*denationalisation is a necessary precondition for formation of the civil society but only in connection with building of the civil and political cultures of the society, based on expertise, humanity and tolerance*”.<sup>59</sup>

Self-government elements, activities in form of territorial self-government as well as activities of civil organisations, associations, professional and interest institutions, perceived as the third sector, have a positive impact on strengthening and implementing the sovereignty of citizens in representative democracies as well as on the development of civil society. The implementation of territorial and interest self-government to the system of public administration presents an effective strengthening of the civic status. Essential advantages of self-government can be described as follows<sup>60</sup>:

- a) citizen participation in the decision-making process and supervision of affairs of public interest is not limited;
- b) smaller interest groups can be effectively presented in the shaping of a higher common interest.

However, citizen participation in decision-making is often problematic, complicated and time-consuming. Mutual cooperation and cooperative approaches are a prerequisite for solving problems, but in most cases they are hampered by various obstacles, for example: lack of determination to adopt a participatory model, lack of interest on the part of elected officials, lack of incentives and skills of officials, limited ability to use modern technology, lack of investment as a result of distrust and delayed access to the participation of citizens. Self-government can be more constructive than other institutions in dealing with problems and conflicts, but it is essential that most of the population is involved in this process. However, this participation in the solution requires a certain amount of creativity that is not available to all people. It is difficult to say whether it is an innate indifference to public affairs or a natural apathy caused by the fact that people are only interested in satisfying their individual interests. According to M. Řehůřek, the basic factor that determines citizens' interest in public affairs is: “*personal relationship of the individual to participate in the solving of public affairs participation in solving public affairs solution of public affairs*”.<sup>61</sup> Citizen participation must therefore be seen as a fundamental right, which allows citizens to better understand the decisions, to participate actively in decision-making processes that affect their lives and finally to use the available control mechanisms. The average citizen is able to achieve more pronounced participation in society and the creation of political will. According to M. Warren, this perspective can be described as a process

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<sup>58</sup> Gbúrová (2002, p. 141).

<sup>59</sup> Palúš (2005, p. 18).

<sup>60</sup> Řehůřek (1997).

<sup>61</sup> Řehůřek (1997, p. 89).

of “*self-transformation of a citizen*”, while citizens’ interests and political abilities are the result of the pressure and possibilities of political institutions, and not by the effect of the prepolytic factors.<sup>62</sup> It is important to emphasize that democracy largely promotes universal will as a result of the generalization of people’s experiences and not as an individualistic expression of will. The increasing participation increases the chances of conflict resolution and leads citizens to greater responsibility.

However, it must be remembered that it is not just decisions that affect the lives of current generations, but also in the game are the fates of future generations. The community’s sustainability in view of the seriousness of the global economic and global situation is questionable. Decisions should therefore take into account the internalisation of all costs and not to transfer problems to the future generations, whether it is already environmental protection, structural, financial, economic, social but also other emerging security and energy threats or other risks.

## VI. Conclusion

Democratic countries pay attention primarily to political rights and freedoms and their embedding in the Constitution, their protection and conditions for their exercise.<sup>63</sup> It is an important group of rights. Their legal regulation and exercise present a crucial criterion of the democratic nature of the law and the entire system of state power and the actual development and operation of a civil society. It is this very group of rights which determines the free life of the individual in a civil society. By means of these rights, the individual participates in the formation of society’s policies and decides on public affairs. It follows from the above that the citizen is involved in the building of the democratic social and political environments.

The provision of Article 31 of the Constitution of the Slovak Republic presents an important link between political rights and formation of a civil society. It states that: “*legal regulation of all political rights and freedoms and the interpretation and use thereof shall enable and protect free competition of political forces in a democratic society*”. The Article contains a pluralistic concept of our society as a system in which there is a plurality of interest groups. They have equal status and endeavour to promote their vested interests in confrontation with interests of other groups. The competition to promote these interests is an integral feature of political democracy and civil society in the Slovak Republic. The state will be formed within free game and the activities of political forces and interest associations, unions and movements. They are administrated according to generally accepted procedural rules, mainly according to norms of constitutionalism and democratic political process.

Based on the above, we can state that there is a link between political rights and the formation of a civil society. Political rights are supposed to be a constitutional basis as well as an active tool to form and develop a civil society in our country. The interaction of the following generally outlined requirements is, therefore, required:

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<sup>62</sup> Warren (1992).

<sup>63</sup> Political rights are embedded in the Constitution of the Slovak Republic – Articles 26 to 32.

1. Precise constitutional-legal regulation of political rights and freedoms that would meet the needs to develop particular features and components of a civil society as well as its democratic foundations. At the same time, it should comply with the requirements of international-legal documents on human rights.
2. Favourable political climate and fair political environment characterised by a high level of political and civil culture, humanity and tolerance. These are typical features of all entities that use the political rights and freedoms either directly or indirectly as a constitutional-legal basis for the development of a civil society.
3. Interconnection of political rights and freedoms with the socio-economic sphere that determines any political and civil activity as well as the real freedom of people, i.e. implementation of such a social and economic policy of the state that would mobilise individuals through civil activity in the interest of their own self-realisation and development of civil society.
4. Representatives of bodies of the territorial self-government that is closest to citizens should patiently and repeatedly explain the role and status of local and regional self-government. It should also be borne in mind that public debate is not only about decision-making, but also about the finding of public interest and awareness of the links between individual interests and needs of individual members of the respective communities, and the interests of the community as a whole.
5. Citizens should not be passive towards public life. They should be interested in their surroundings, they should actively contribute to improving and modernizing life in their surroundings and they should be actively involved in managing public affairs – which still persists and now seems more up to date and desirable than ever before.
6. Educational levels should develop not only on the side of the public administration but also on the side of the citizens. Education and awareness on the side of citizens about the importance of participation in public affairs is a fundamental objective and is an integral part of a modern democratic society.
7. The average citizen is able to achieve more pronounced participation in society and the creation of political will. It is important to emphasize that democracy largely promotes universal will as a result of the generalization of people's experiences and not as an individualistic expression of will. The increasing participation increases the chances of conflict resolution and leads citizens to greater responsibility.
8. Citizens have their political rights guaranteed by the Constitution, they can vote and be elected, they can participate in the referendum decision, they can ask for possible explanations, they can directly enter the decision-making processes, etc. Citizen participation must therefore be seen as a fundamental right, which allows citizens to better understand the decisions, to participate actively in decision making processes that affect their lives and finally to use the available control mechanisms.
9. Attention must be paid, above all, to the young generation, because only through the young generation can we build a sense of responsibility for public affairs, not only at the local, regional, national, but also at the European level. Society could

accept young people's activities and ideas as innovation, especially if we admit that many of the themes of the current political agenda have emerged from new social movements.

10. It is desirable to seek new and effective solutions to problems, to take advantage of modern methods of service provision, to learn from the experience of others, not to repeat the mistakes of the past, and thus create an environment favourable to change in order to achieve better results.

In the case of the correction of individual disputed areas, it can be assumed that local democracy moves forward, thereby highlighting citizen status, which is irreplaceable in a democratic society.

As in other democratic countries, citizen participation in the administration of public affairs in the Slovak Republic is based on constitutional law. However, some relations and issues have a legally problematic nature. And therefore the following is necessary: Institutional preconditions for improving governance must be built and maintained at all levels – at the local, regional, national and supranational level and respecting the fulfilment of existing commitments in accordance with the European Charter of Local Self-Government as well as other standards of the Council of Europe and the European Union. The decision-making processes should automatically involve the citizens themselves in order to influence the outcome of the decision-making process, making decisions more transparent. Citizen participation can therefore be considered to be an effective tool for involving citizens in decision-making and the subsequent adoption of the best quality public decisions for the benefit of all citizens. However, based on the development of events, the relationship between the citizen and the public administration seems to have been somewhat deformed. Citizens are increasingly showing mistrust in public authorities. *“The citizen begins to feel as if society is not interested in the citizen, and the gap between ideas and reality is only deepening.”* Many citizens are more likely to remain outside of society, are not politically active, and do not participate in public administration. Citizens' decisions can also be considered a form of protest against the current social order and the power distribution of power between the political elite, and a way of solving acute problems in their daily lives. It should be remembered that, if citizens do not participate in public affairs and will not be part of public affairs, problems will not be resolved, as a citizen automatically becomes part of public affairs even without his consent. If competent actors will not be interested in dealing with real people's problems, room grows within society for undesirable right-wing groups, which ultimately gain power legitimately, and whether we will like it or not, we will have to accept them.

This undesirable social condition does not apply only to Slovakia. Many countries in Eastern, Central and Western Europe are struggling with this problem. All advanced civilizations went through different stages of development – have undergone phases of hard work, boom, peak or fall. The recovery in some cases lasted hundreds of years, but that does not seem to be enough for us to learn from the past. It must be remembered that the world has never been so globally linked as it is today. In the past, the falls of individual societies were rather of local importance, today we can say that we are probably facing

a fall within a much wider area – in the global space. The consequences will be felt by many and many generations after us. It must be remembered that the future of the country depends on the quality of the decisions adopted today, in which political goals and power interests must set aside and give priority to competences, expertise and experiences, for the benefit of all of us citizens who live and want to live in the given territory – in the municipality, in the region, in the state, but also within the Community of the European Union, not only today but also in the future.

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### **List of legislative instruments used**

The Act of the Slovak National Council No. 83/1990 Coll. on Association of Citizens

The Act of the Slovak National Council No. 85/1990 Coll. as amended by the Act of the National Council of the Slovak Republic No. 242/1998 Coll. and the Act of the National Council of the Slovak Republic No. 112/2010 Coll. on the Petition Right

The Act of the Slovak National Council No. 369/1990 Coll. on the Establishment of Municipalities as amended by later regulations

The Act of the National Council of the Slovak Republic No. 211/2000 Coll. on the Free Access to Information as amended by later regulations

The Act of the National Council of the Slovak Republic No. 564/2001 Coll. on the Public Defender of Rights as amended by later regulations

The Act of the National Council of the Slovak Republic No. 9/2010 Coll. on Complaints as amended by later regulations

The Act of the National Council of the Slovak Republic No. 112/2010 Coll. on the Petition Right as amended by later regulations

The Constitution of the Slovak Republic