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EDITORIAL

The core content of the second issue of our scientific journal in 2024 is dedicated to the issue of municipal (in a broader sense, territorial) self-government.

The introductory step is the first contribution (Palúš – Vyrostko), which analyzes the right of municipalities to self-government in the conditions of the Slovak Republic in the context of the conceptual variability associated with this right in the European space. It subsequently explains the manner of its constitutional anchoring in Slovakia, with a special focus on its scope and legal protection.

The second contribution (Žofčinová) deals with labor-law relations in the field of municipal (territorial) self-government, addressing both general and, primarily, specific issues in the context of the Labor Code and special legal regulations. This is a topic that has so far been on the periphery of professional and scientific research, which undoubtedly increases its relevance.

The third contribution (Cíbik) examines the budgetary policy of municipalities and regions, highlighting both its strengths and weaknesses from the perspective of legislative regulation and the needs of daily self-government practice.

The trio of mentioned contributions is complemented by a study (Vymětalík) focusing on the position of the Czech minority in Ukraine during a defined historical period. Although it is a historical excursus, the ongoing war in Ukraine makes this topic relevant for inclusion in our journal.

prof. JUDr. Igor Palúš, CSc.,
Editor-in-chief

ARTICLES

THE RIGHT OF A MUNICIPALITY TO SELF-GOVERNANCE IN THE SLOVAK REPUBLIC

Igor Palúš[1], Matúš Vyrostko[1]

Abstract

This written contribution is dedicated to the right of municipalities to self-governance in the conditions of the Slovak Republic. In the first part of this contribution, the authors analyse theoretical considerations and opinions related to the right to self-government in the environment of municipal self-government. They formulate the conclusion according to which the subject of the given right is the municipality and subsequently they clarify how this right is regulated in the Constitution of the Slovak Republic (hereinafter the Constitution of the Slovak Republic or the Constitution). The second part deals with the examination and evaluation of the content of the given right to the extent that it is enshrined in the Slovak constitution. In the third part, the authors analyse the constitutional guarantees of the right of the municipality to self-governance, while they perceive these on two different levels – in terms of substantive law (Article 67 paragraphs 2 and 3 of the Constitution) and at the procedural (judicial) level applied on the basis of a constitutional complaint.
The authors state that the right of a municipality to self-governance in Slovak conditions, despite its specificities, is comparable in form and content to the enshrining of such a right in the constitutions of other democratic states. At the same time, however, they point to problematic, or weak points of the current Slovak constitutional and legal arrangement, indicating the possibilities of their solution as a prerequisite for specifying the analysed law in the conditions of the Slovak Republic.

Keywords

municipal self-governance, Constitution of the Slovak Republic

INTRODUCTION

The Constitution of the Slovak Republic, like the constitutions of other democratic states, determines the municipality as the basis of territorial self-government. This constitutional anchoring has several reasons and contexts. Above all, this statement emphasises the direct and close relationship of the municipality to its residents, who are the source of public

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power in local conditions, and from whose will the municipal authorities derive their status. It is not by any chance that there are opinions according to which the importance of the municipal establishment and its democratic functioning is sometimes more important than the functioning and organisation of public power at higher levels (Mikule, 2003, p. 412). The good functioning of municipal self-government leads to effective and citizen-friendly administration, which is the main prerequisite for its effectiveness.

On the other hand, it is impossible to avoid the fact that the position of municipalities and their responsibility for development and quality of life in local conditions is largely determined by the state, by the extent to which it is willing to transfer the necessary range of competences to municipalities and create conditions for their real fulfilment by municipalities (Astrauskas and Gecikova, 2014, p. 153–182). At the same time, recent years have confirmed a trend (manifested mainly in the Scandinavian countries), according to which municipalities from their traditional position, the basic units of territorial self-government, are becoming more and more part of an integrated national management system, especially in the area of providing social services and the economic advancement of municipalities In the indicated sense, in the words of Baldersheim (Baldersheim, 1987, in: Hansen, 1997, p. 44–69), municipalities act as an "extended arm of the state" in local conditions, which, however, in our opinion, cannot weaken their self-governing functions, it only changes its content.

In the Slovak environment, the mentioned tendencies are gaining ground rather slowly, which does not mean, however, that they cannot be perceived as a programmatic and mainly systemic step in the development of municipalities in the coming years. At last, the history of joint Czecho-Slovak and later independent Slovak statehood confirms that the functioning of municipalities as self-governing units demonstrated great stability in the administration of matters entrusted to them. Even today, municipalities have, by making their own efforts and by creating the necessary legislative and financial conditions on the part of the state, the prerequisites for achieving not only stability in the approaches and implementation of self-government (and the transferred performance of state administration), but also the prerequisites for achieving the stability of the desired results. In this indicated sense, municipalities represent an element between civil society and a democratic state, and this position of theirs has the ability to influence not only the nature of local self-government in the future, but also the nature of society (Palúš et al., 2018, p. 10–11).

With the aforementioned understanding of municipalities (municipal establishment) and their roles, the right to self-government, more precisely the right of a municipality to self-government, is an often discussed issue, both from the point of view of its theoretical definition and constitutional-legal embedding. In accordance with this, the authors of the submitted paper aim to examine the right of a municipality to self-government in the conditions of the Slovak Republic, while focusing on three areas of problems related to this issue.

The first is the constitutional definition of the municipality's right to self-government in the context of its theoretical understanding as part of legal theory, especially the theory of territorial self-government. The second set of problems concerns the determination of the content of the municipality's right to self-government in the scope resulting from the Constitution of the Slovak Republic. The third area of our interest and efforts to clarify

it are represented by the constitutional guarantees of the right of the municipality examined by us.

The right to self-government – theoretical considerations and constitutional anchoring

The basis of the constitutional concept of municipal self-government as a form of public power in local conditions are two starting points:

- perception of the resident of the municipality (individual) as an active entity participating in the administration of public affairs,
- perception of the municipality as a certain community of people authorised, within the framework of the constitution and laws, to decide on their affairs through elected representatives directly or indirectly.

In accordance with this concept, municipal self-government is perceived by the founders as a specific social activity of a managerial and organisational nature, focused on public affairs and determined by the public interest in the conditions of the municipality. In the indicated sense, municipal self-government represents a special type of administration in which the governed govern themselves, i.e. the inhabitants of the municipality are not only objects of administration, towards whom the self-government is carried out, but they are granted the status of subjects of the administration themselves, which participate in the performance of the self-government of the municipality. It can be said that municipal self-government under these circumstances is an expression of the democracy of the administration of public affairs at the local (municipal) level and represents the basis of the democratic organisation of public power. The basic task of the municipality in the performance of municipal self-government is to take care of the all-round development of the territory, as well as to ensure and protect the rights and interests of its residents.

From the point of view of legal theory, especially the theory of territorial self-government, it is necessary to find an answer to the question of who is the subject of the right to self-government – the municipality, the inhabitants of the municipality forming its personnel base, or representatives elected by them, or does this right belong to the individual residents of the municipality, which, although the constitution does not grant them such rights, but it is possible to work towards it through theoretical construction? Opinions on answering the raised question and their argumentative justification are diverse; we will take a brief position on three of them, which can be encountered most often in professional and scientific literature.

We consider the alternative based on the construction of municipal self-government based on the right of citizens (inhabitants) to self-government to be considerably problematic from the point of view of possible acceptance. Its proponents are based on the premise that the right of citizens (inhabitants) to self-government manifests itself mainly in the right to participation, and its significance is the participation of citizens in deciding public affairs in local conditions (Matula, 2017, p. 30). However, some authors go even further when creating a theoretical construction. Eremin, loosely speaking, perceives the subjective right of citizens to self-government as a complex of three rights – the right of the local community (inhabitants) to municipal self-government, the right of individual members

of this community to participate in the implementation of municipal self-government, as well as the right of local (municipal) elected bodies to exercise municipal self-government, which is part of public power (Eremin, 2016, p. 201).

Nothing against theoretical considerations, but we believe that the mentioned theoretical constructions (as well as others similar to them) are more considerations than statements based on specific provisions of constitutions or international documents on human rights and fundamental freedoms. It would hardly be possible to grant a subjective-legal character to the so-conceived, constructed, right of citizens (inhabitants) to self-government, i.e. the possibility of claiming it against the public authority, or of the state, when it is not explicitly enshrined in the constitution or in international treaties on human rights. It is not even contained in the European Charter of Local Self-Government, and as far as Slovak conditions are concerned, even the Constitutional Court of the Slovak Republic has not yet defined it in its interpretation. And it cannot be understood at all as a subjective right having a natural law character, among other things because territorial self-government – in the sense of the national theory – historically arose as a result of the self-limitation of the state and its willingness to decentralise the exercise of public power to non-state corporations, in this case municipalities, or other territorial-administrative units; but not on citizens, residents of these territorial-administrative units.

The content of the right of citizens to self-government, which its supporters move to the level of participation of the inhabitants of the municipality in the administration of public affairs in local conditions, also sounds problematic. We would like to remind you that the content of the given right as perceived in this way follows directly from the Constitution of the Slovak Republic, its Art. 2 par. 1, which says: "State power comes from citizens who exercise it through their elected representatives or directly". In addition, Art. 30 par. 1. and Art. 64a in conjunction with Art. 68 of the Constitution, they extend the right to participation (voting and being elected to municipal self-government bodies, participating in local referendums and assemblies of the inhabitants of the municipality) also to foreigners who have permanent residence in the territory of the Slovak Republic, or in the territory of the relevant municipality. Considering the mentioned facts, it seems to us "redundant" to construct, even if only theoretically, the right of citizens (municipality residents) to self-government as their independent constitutional right.

We underline this statement all the more because the implementation of the right conceived in this way is (could be) problematic in practice in those municipalities where the municipal authorities do not function, i.e. in municipalities where no one is interested in performing the function of the mayor of the municipality, or members of the municipal council, which also means that the residents of these municipalities cannot use even a local referendum, or an assembly of the inhabitants of the municipality, which is declared (convened) by the municipal council (or the mayor of the municipality, if it is an assembly of the inhabitants of the municipality) in accordance with the law.

The problem could be solved by the so-called institute non-functional municipality, which the legislator brought into existence in 2018. Its essence lies in the fact that a municipality in which municipal self-government bodies were not elected in two consecutive elections becomes non-functional and, according to the law, it is incorporated into a neighbouring municipality within the region in which it is located. However, the said institute shows

legislative and financial deficiencies of such a nature that it has not been applied in practice even once, although there were reasons for it (Palúš, 2020, p. 108 et seq.).

We also consider as problematic opinions according to which the holders of the right to self-government are the residents of the municipality as a whole, or representatives elected by them (Dušek, 2012, p. 37–38). We believe that such a claim does not hold up not only from a legal point of view, but also from a political-institutional point of view. We believe that the existence of a legal entity, which is different from its personal "substrate", is a necessary prerequisite for the exercise of the right to self-government. Indeed, if a certain community (in our case, the inhabitants of a municipality) wants to jointly participate in the administration of public affairs, it must create a sufficiently effective entity that is capable of entering into legal relations in its own name, and that has internal mechanisms in place to regulate its behaviour. This subject is not the inhabitants of the municipality as a whole, nor their elected representatives. In our opinion, this entity is the municipality itself.

We consider the municipality as the subject of the right to self-government (in a broader sense, the concept of territorial self-government, as well as a higher territorial unit), but not as part of the constitutional institute of fundamental rights and freedoms, but as a historically formed and developed form of public power in the state under democratic conditions, or as part of a wider mechanism of the democratic organisation of the state. The municipality's right to self-governance has the nature of a public subjective right, as its constitutional enshrinement gives the municipality the possibility to behave in a certain way, i.e. a possibility expressed and guaranteed by objective law and related legal norms (Boguszak, Čapek and Gerloch, 2004, p. 115). Its content results from the right of the municipality to exercise public authority, or of local self-government, which the state recognizes and guarantees.

The inhabitants of the municipality participate in the exercise of this right through the constitutional right to participate in the administration of public affairs. In other words, the elementary importance of the right to self-government should be seen in the recognition of the right of individual residents of the municipality to participate in the administration of public affairs, because the effectiveness of the performance of municipal self-government depends to a significant extent on the participation of the residents of the municipality in its implementation (Kiurienė, 2012, p. 67–68). Residents' participation, however, should not be limited only to the act of elections and participation in a local referendum, or in meetings of residents of the municipality, but it should also include other possible forms of participation realised through constitutional institutes – the right to information, or freedom of speech, but also legal possibilities , such as e.g. participation of the inhabitants of the municipalities in the meetings of the council, which are open to the public, work in the commissions of the municipality, use of the so-called parliamentary days and so on.

One can agree with Blaug's opinion when he states that "representative democracy requires participatory democracy that cultivates and strengthens it" (Blaug, 2002, p. 116–128). However, we would like to add that the truth of this statement is largely determined by the human element, on the part of the elected bodies of the municipality – their willingness to listen to the opinions of the residents, discuss with them and accept their comments, but also on the part of the residents of the municipalities – their initiative

and constructive approach to solving the problems of the municipality. The practice of Slovak municipal governments brings many cases where the residents of municipalities would welcome public municipal authorities to decide in their interest and according to their needs, but preferably in such a way that they themselves do not have to be involved in such decision-making. Even in the light of these experiences, Kjellberg's thesis (which undoubtedly has its reasons) to replace the concept of "local self-government" with the concept of "local democracy" in Slovak conditions seems more like a programmatic vision than an approaching reality (Kjellberg, 1991, p. 68).

The right of a municipality to self-government has different expressions in the constitutions of democratic states. We do not have the opportunity to focus on this issue in more detail, we will only state that in the Central European area there are states whose constitutions explicitly enshrine the right of municipalities to self-government (e.g. Article 28, paragraph 2 of the Basic Law/Constitution of the Federal Republic of Germany; Article 100, paragraph 1 of the Constitution of the Czech Republic), or indirectly (e.g. Article 16 paragraph 2 of the Constitution of Poland).

In its content, the Constitution of the Slovak Republic does not explicitly enshrine the right of municipalities to self-governance, despite the fact that such an expression of the analysed right was attempted in the draft amendment to the Constitution enacted under Constitutional Act No. 90/2001 Coll. – the so-called "major amendment to the constitution", according to which Art. 64a as follows: "Municipalities and higher territorial units have the right to self-government. The details will be established by law". Even though the aforementioned amendment to the constitution created the prerequisites for a fundamental reform of territorial self-government – especially by completing the second level of territorial self-government, i.e. by constitutionally enshrining higher territorial units, as well as enshrining the protection of territorial self-government before the constitutional court through the newly included art. 127a of the Constitution (see below) – the proposed wording of Art. 64a was deleted from the constitutional amendment during the legislative process (Jesenko, 2017, p. 61).

Even if the Constitution of the Slovak Republic does not explicitly enshrine the right of a municipality to self-government, it can be deduced by a logical interpretation of the constitutional norms governing territorial self-government, especially if we interpret them in a mutual context and in accordance with the principles on which the constitution is based, or from which its content is based. The right of a municipality to self-governance belongs to the implied constitutional norms that fulfil the conceptual features of every subjective right, i.e. the authorisation of the municipality to exercise territorial self-government, the authorisation of the municipality to demand certain behaviour from other entities (including the state), as well as the authorisation of the municipality to seek legal protection from the state in the event of an unauthorised interference with the right to exercise territorial self-government (Palúš, Jesenko and Krunková, 2010, p. 30–31).

The correctness of such a procedure was also confirmed by the Constitutional Court of the Slovak Republic in one of its decisions in 2017 (it is a pity that it did not do it earlier, because there were several opportunities for the doctrinal interpretation of the constitutional foundations of territorial self-government), when it stated: "Unlike the constitutional standards of other European states, the constitution does not explicitly formulate the right

to self-government, however, according to the opinion of the Constitutional Court, it is from Art. 64 and 64a ("independent... self-government") of the Constitution in connection with the democratic nature of the Slovak Republic from Art. 1 paragraph 1 of the Constitution can be deduced" (Decision of the Constitutional Court of the Slovak Republic dated May 10, 2017, file no. PL ÚS 4/2016).

Content of the municipality's right to self-government

Talking about the content of the municipality's right to self-governance means taking into account two facts. The first is the content and scope of the municipality's independent competence defined in the constitution and laws, the second is the range of subjects and the determination of the conditions under which municipalities exercise their independent competence. Subsequently, it can be concluded that the content of the right of a municipality to self-government in a democratic state is a summary of all rights granted by the constitution and laws to municipalities in connection with the exercise of territorial self-government, while these rights, i.e. independent powers are exercised by municipal self-government entities (municipal bodies, but also its residents through forms of direct democracy at the municipal level) in their own name, on their own responsibility and without material interference from the state) but the latter retains supervision over the performance of municipal self-government from the point of view of constitutionality and legality).
In general, it can be said that the independent jurisdiction of the municipality includes those matters that directly affect the lives of the inhabitants of the municipality and their significance usually does not go beyond the scope of its territory. The anchoring of the independent authority of the municipality in the constitutions of individual states is also different, basically it ranges from the so-called negatively limited "general competence" known from the environment of the Scandinavian states, through the generally determined independent competence specified by laws, to the exhaustively defined competence of local governments (Palúš et al., 2018, p. 19–20).
The Constitution of the Slovak Republic does not explicitly mention the scope or content of the right to self-government, but it in Art. 65, 66 and 68 of the Constitution, it enshrines three spheres of competence of the municipality (subjective rights of the municipality), which can be considered as the core of the municipality's right to self-governance. Other municipal rights constituting the content of the right to self-government are contained in Act. no. 369/1990 Coll. on municipal establishment, as amended (hereinafter the Act on Municipal Establishment).
Both groups of rights are equal, and what they have in common is that the constitution grants them, through the institution of a constitutional complaint, the same regime of legal protection in connection with the exercise of territorial self-government. On the contrary, they are different in the sense that the rights of the municipality enshrined in the constitution have the nature of a universal clause, since the legislator is bound by them, i.e. he can expand or specify them, but he cannot limit or cancel them, because by doing so he would effectively deny the right of the municipality to self-government arising from the constitution. In the next part, we will try to characterise the content of the subjective rights that the municipality derives directly from the constitution.

The right of the municipality to independently manage its own property and financial resources (Article 65 of the Constitution)

Property and financial independence of the municipality is the basis of its independent status as a public corporation. It is not by chance that the constitution in connection with this right of the municipality grants it the position of a legal entity.

The legal status of a municipality as a legal entity is important especially from the point of view of the constitutional regime that applies to its actions. If the municipality has the status of a public authority in the implementation of its tasks, or carries out delegated state administration, the content of the provisions of Art. 2 par. 2 constitutions, i.e. it can act only on the basis of the constitution, within its limits and to the extent and manner established by law. If the municipality acts as a legal entity under private law (e.g. concludes a purchase, rental or other contract), its actions are subject to the regime expressed in Art. 2 par. 3 of the constitution, according to which everyone can do what is not prohibited by law and no one can be forced to do something that is not required by law. In this context, the Constitutional Court of the Slovak Republic stated: "The municipality as a legal entity has a privileged status only in matters of territorial self-government" (Decision of the Constitutional Court of the Slovak Republic of July 15, 1999, II. ÚS 17/97).

Art. 65 par. 1 of the Constitution of the Slovak Republic ensures the independent action of the municipality as a legal entity, but not on a general level, only in matters of managing its own property and financial resources. The Constitution guarantees that as long as the actions of the municipality in these matters are in accordance with the law, neither the state nor third parties can interfere in this area of competence (of its bodies). In other words, in matters that are subject to regulation in Art. 65 par. 1 of the constitution, no other public authority can make a decision, and moreover, the municipality is not bound by the opinions of such a body, as long as it makes decisions about its property and financial resources (Čič et al., 2012, p. 415).

The property of the municipality and its financial resources are regulated by special laws. It follows from their content that the property of the municipality is the things owned by the municipality and the property rights of the municipality. The property of the municipality can be used mainly for public purposes, for business activities and for the exercise of municipal self-government.

The municipality finances its needs primarily from its own revenues, which include all municipal budget revenues with the exception of state subsidies, funds from the European Union and other foreign funds provided for a specific purpose, as well as funds obtained on the basis of special legal regulations. Local taxes and fees are an important source of the municipality's income, while the municipality can only impose (collect) taxes and fees that are established by law, and the state also determines which local taxes belong to the municipality and which to the higher territorial unit.

The state can provide municipalities with a state subsidy to finance their needs. The Constitution does not talk about the conditions for the provision of this subsidy, nor does it specify the cases that would exclude municipalities from the provision of the state subsidy. Subsidies from the state budget are administered by the State Budget Act for

the relevant year. This law will also determine the amount of the municipality's income from taxes administered by the state.

The right of municipalities to associate with other municipalities to ensure matters of common interest (Article 66 of the Constitution)

The municipality has the right to associate with other municipalities to ensure matters of common interest. The purpose of the constitutional law conceived in this way is not only mutual cooperation, but also experience and a joint procedure in securing some things that make up the content of municipal self-government, as well as creating a platform for the joint defence of interests related to the operation of municipal governments. In the indicated sense, the analysed municipal law acquires the meaning of political law.
The Constitution empowers the legislator to establish by law the conditions for the realisation of the given right. In relation to municipalities, such a law is the Act on Municipal Establishment, according to which municipalities can cooperate on the basis of:
- a contract concluded for the purpose of carrying out a specific task or activity,
- contract on the establishment of an association of municipalities,
- the establishment or foundation of a legal entity under a special law.

All three types of possible cooperation are based on the principle of voluntariness, but the fact remains that municipalities do not use the forms of possible cooperation in sufficient quantity. This is surprising especially in the case of small municipalities (and there are many of them in Slovakia), which cannot provide self-governing tasks at the required level, provide basic social services, and can only cope with transferred performance of state administration with problems. That is also why it would be wise for the state to motivate municipalities to cooperate with each other, or he was looking for possibilities and ways of such motivation (perhaps also financial), since the cooperation of municipalities in many areas often represents an increase in the efficiency of the use of public resources, or reduction of expenses for activities that are implemented on the basis of inter-municipal cooperation (Tekeli and Hoffmann, 2014, p. 77).
The Constitution binds inter-municipal cooperation to the territory of the Slovak Republic, but the Act on Municipal Establishment also regulates international cooperation between municipalities. The municipality may, within the scope of its competence, cooperate with territorial and administrative units or offices of other states performing local functions. Within the framework of international cooperation, the municipality has the right to become a member of an international association of territorial entities or territorial authorities. Cooperation is carried out on the basis of a written agreement or on the basis of membership in an international association. A cooperation agreement or membership in an international association must not conflict with the legal order of the Slovak Republic.

The right of a municipality to issue a generally binding regulation in matters of territorial self-government to ensure tasks arising for self-government from the law (Article 68 of the Constitution)

Norm-making of the municipality, i.e. the right to issue generally binding regulations is one of the basic manifestations of the municipality's right to self-governance. On the basis of Art. 68 of the Constitution of the Slovak Republic in matters of territorial self-government and to ensure the tasks arising for municipal self-government by law, the municipality may issue generally binding regulations (executive of territorial self-government – independent competence). According to Art. 71 par. 2 of the Constitution of the Slovak Republic, in the performance of state administration, a municipality may issue a generally binding regulation within its territorial scope and on the basis of authorization in the law within its limits (performance of state administration – transferred competence).

As you can see, the Constitution of the Slovak Republic, but also the legal regulations, do not differentiate in the name of the municipal legislation, whether it is a legal regulation issued by the municipality in the exercise of independent or delegated authority, in both cases the designation "generally binding regulation" is used, which in practice often brings problems and this state of affairs should be considered an unfortunate solution by the founder (Dobrovičová, 2009, p. 136). It is true that a distinction was used in legal theory and pedagogical activity, namely: self-governing regulation, according to Art. 68 of the Constitution and administrative regulation, according to Art. 71. par. 2 of the Constitution (Drgonec, 2018, p. 292; Palúš et al., 2016, p. 274). Personally, we are of the opinion that this distinction could be used in legislation as well, but it would require a change in the constitution, and it is difficult to expect it today in the indicated sense.

Normative authority according to Art. 68 of the Constitution can be applied by the municipality at any time and without authorization in the law, but it cannot be applied to an unlimited extent and to regulate all social relations existing in its territorial district. In accordance with the jurisprudence of the Constitutional Court of the Slovak Republic, a municipality can apply legislation only in that part of the administration of internal affairs, which implements municipal self-government according to Art. 65 of the Constitution of the SR. Beyond the scope of this constitutional article, a municipality can regulate other relations by its regulation, but only if the legislator grants it the power of attorney for rule-making activity (Decision of the Constitutional Court of the Slovak Republic dated May 13, 1997, file no. II. ÚS 19/97). This is a narrow interpretation of the municipality's independent authority when issuing regulations, which is apparently based on the fact that the Constitution of the Slovak Republic expressly guarantees municipalities independence only through the legal subjectivity recognized in Art. 65 par. 1 of the Constitution in matters of managing one's own property and financial resources. The aforementioned interpretation of the Constitutional Court raises several reservations and doubts in legal theory (Jesenko et al., 2015, p. 64–65; Kanárik, 2001, p. 38–41).

General rule-making is also limited by constitutional restrictions related to the protection of fundamental rights and freedoms (Article 2, paragraphs 2 and 3, Article 13, paragraphs 1 and 2 of the Constitution of the Slovak Republic). Although the Constitutional

Court recognizes that the municipality can, by its regulation according to Art. 68 of the Constitution, establish obligations even without explicit legal authorization, but the condition is that it is a specification, a closer adjustment, of an obligation that otherwise has a basis in the law, i.e. is established by law as a basis (Decision of the Constitutional Court of the Slovak Republic dated June 6, 1998, sp. .stamp ÚS 60/97). Since the Act on Municipal Establishment does not establish the range of obligations that municipalities could impose by their ordinance (as is the case in the Czech Republic), in practice there are situations when the municipality imposes an obligation that does not have its basis in law (this happens mainly in practice in small municipalities). Although there is a legislative procedure to deal with such a situation, it would be more effective if the legislation prevented the occurrence of such situations.

In terms of law, generally binding regulations of municipalities are normative legal acts. They are a formal source of law in the Slovak Republic and their content consists of legal norms that are binding for all natural persons and legal entities residing (having their seat) in the territory of the respective municipality. Their scope is therefore limited primarily territorially, i.e. they apply to the territory represented by the district of the municipality. This is a special source of law, which is not directly created by the state or state authorities, but is nevertheless recognized by the state as formal sources of law. An integral part of the state-recognized form is a separate process of their acceptance, as well as the result of this process and its publication.

The process of adopting municipal regulations is regulated, albeit very briefly (which is to the detriment of the matter), by the Act on Municipal Establishment, and municipalities specify it in their statutes, or in the rules of procedure of the municipal council, respectively in separate regulations regulating the process of municipal rule-making (Palúš, 2014, p. 188 et seq.). According to the law, a generally binding municipal ordinance is adopted by the municipal council with a majority of 3/5 of the members present. It is signed by the mayor of the village no later than 10 days after its approval by the council. The regulation must be announced, which is a condition for its validity. It is announced by posting its full text on an official board in the municipality, for at least 15 days. In exceptional cases (e.g. natural disaster, general threat, etc.), an earlier start of the regulation's effectiveness can be determined. The regulation must be accessible to everyone at the municipal office of the municipality that issued it.

Constitutional guarantees of the right to self-government

The initial constitutional guarantee of the municipality's right to self-governance is represented by Art. 1 paragraph 1 of the Constitution, which determines that the Slovak Republic is a democratic and legal state. In relation to municipal self-government in the sense of state law theory, it follows that the state, on the basis of its own discretion, entrusts a part of public power to municipalities as non-state entities, which have thus obtained authorization within the framework of the constitution and the autonomous space defined by law to act on their own affairs independently by their own bodies, respectively directly by residents, who are responsible for their decision-making.

In addition to this general guarantee resulting from the essence of a democratic and legal state, the constitution provides municipalities and their right to self-governance with two other specific guarantees, one of which has a substantive nature (Article 67, paragraphs 2 and 3 of the Constitution) and the other has a procedural (judicial) nature, as it is implemented on the basis of a constitutional complaint under Art. 127a of the Constitution. Constitutional guarantees conceived in this way correspond to the European Charter of Local Self-Government and are comparable to similar guarantees of the right of municipalities to self-government contained in the constitutions of other democratic states (Mikheev, 2014, p. 619–622).

The Constitution of the Slovak Republic in Art. 67 par. 2 guarantees to municipalities that obligations and restrictions in the exercise of territorial self-government can be imposed on them by law or on the basis of an international agreement according to Art. 7 par. 5 of the Constitution. Subsequently, Art. 67 par. 3 determines that the state can intervene in the activities of the municipality only in the manner established by law. Although both provisions define the relationship of the state and its bodies to local self-government, there is a difference in content and application between them.

When analysing the content of the provisions of Art. 67 par. 2, it is first necessary to distinguish between "obligations" and "restrictions" in the exercise of territorial self-government, and then between the sources of law by which obligations and restrictions can be imposed. If the founder of the constitution talks about the imposition of obligations in the performance of territorial self-government, he means new (additional) obligations than those resulting from the existing regulation of the territorial self-government. If the founder of the constitution talks about restrictions in the exercise of territorial self-government, in real terms it means he talks about narrowing the existing independent powers of the municipality given by the current legal regulation (Čič et al., 2012, p. 425).

From the point of view of the form of imposition of obligations and determination of boundaries in the exercise of territorial self-government, it is important that in accordance with Art. 67 par. 2 this can only be done by law or on the basis of an international agreement according to Art. 7 par. 5 of the Constitution. It is an alternative (not cumulative) determination of sources of law through which obligations or restrictions can be imposed in the exercise of territorial self-government. Common to both situations in terms of the sources used is that they are supported by the National Council of the Slovak Republic. The first time in the position of the legislator (when a law imposing obligations and restrictions on the exercise of territorial self-government is adopted), the second time in the position of the legislator (international treaties according to Article 7, paragraph 5 of the Constitution do have priority over the law, but at the same time they are sub-constitutional, they cannot contradict the Constitution of the Slovak Republic; should a problem arise in this sense, it is up to the National Council of the Slovak Republic to solve it by harmonising the constitution and the relevant international treaty).

Provision of Art. 67 par. 3 of the constitution is directed towards all public authorities, which can interfere in the activities of the municipality only in the manner established by law, i.e. not beyond its scope and only in the case (situation) with which the law links possible intervention (Drgonec, 2012, p. 938). Any legal intervention in the activities of the municipality, other than the investigated one, is a violation of its right to self-

government and allows the municipality to use all constitutional and legal means resulting from the legal order of the Slovak Republic in order to protect this right.

An important legal means of protecting the municipality's right to self-governance is a constitutional complaint (commonly referred to as a municipal complaint), which can, pursuant to Art. 127a of the Constitution to be filed by the municipal authorities – the municipal council and the mayor – against:

- an unconstitutional or illegal decision that interfered with matters of local self-government, or
- other unconstitutional or illegal intervention in matters of local self-government.

The founder uses the term "matters of local self-government", although the term "right to self-government" would be more appropriate. This state of affairs is probably due to the fact that the constitution does not explicitly grant the municipality the right to self-governance. We consider that both terms (concepts) are identical from the point of view of the municipality as a subject of territorial self-government.

The intervention against which protection is provided must have an authoritative (power) form. It must be the intervention of another public authority, which may take the form of a decision or other intervention consisting of a procedure, omission or inaction, while violating the sphere of self-government defined by the constitution or law (Čič et al., 2012, p. 695).

A decision should be understood as an individual legal act by which a public authority decided on the matter in question based on a procedure regulated by law. As for the term "other intervention by a public authority", it is necessary to start from its negative definition in relation to the term "decision". For the purposes of proceedings under Art. 127a par. 1 of the Constitution, any other unconstitutional or illegal intervention must be understood as any legal act that was issued within the framework of legal proceedings or outside of it, which cannot be considered a decision, such as any action or omission of a public authority that occurs within the framework of legal proceedings or outside it, and which, according to the complainant (municipal self-governing body), unconstitutionally or illegally interfered with his rights related to the exercise of territorial self-government (Orosz and Mazák, 2004, p. 210).

From the content of Art. 127a par. 1 of the Constitution, it follows that a constitutional complaint can be filed not only for the purpose of protecting constitutionality, but also for the purpose of protecting legality. And it doesn't matter whether there was a violation of the rights of the municipality granted to it by the constitution or laws. A communal complaint cannot be considered a proper remedy, it cannot be used to challenge compliance with legal regulations, and it also cannot be directed against a normative legal act (Palúš et al., 2016, p. 395).

The authority of the Constitutional Court to decide on the constitutional complaint of the municipality is based on the principle of subsidiarity, i.e. the constitutional court will (may) act in the matter if the provision of protection for the municipality does not fall under the jurisdiction of another court. At the same time, the constitutional complaint of a municipality is admissible if the municipality has exhausted all legal means that the law effectively provides for protection against interference in the affairs of municipal self-government, and which the municipality as a complainant is entitled to use according to special regulations.

The Constitutional Court makes a ruling on the matter itself. In the event that the Constitutional Court upholds the complaint, it will state in the ruling what constitutes an unconstitutional or illegal decision, or an unconstitutional or illegal intervention in matters of local self-government, which constitutional law or law was violated, and by which decision or intervention this violation occurred.

If the intervention in the affairs of the local self-government occurred through a decision, the Constitutional Court will cancel this decision, while at the same time it can return the matter for further proceedings to the body that decided on the matter, which depends on the nature of the violated right of the municipality. This body is obliged to discuss the matter again, while it is bound by the legal opinion of the Constitutional Court expressed in the finding. If the violation of the right to self-governance of the municipality consisted of an intervention other than the decision itself, the Constitutional Court forbids the continuation of the violation of the right and orders, if possible, that the original state be restored. It should also be added that in this type of proceeding, the Constitutional Court cannot award the municipality as the complainant compensation in the form of adequate financial compensation.

As a legal entity, the municipality is entitled to claim protection of its fundamental rights granted by the constitution in proceedings before the constitutional court also according to Art. 127 par. 1 of the Constitution. Pursuant to this constitutional provision, the Constitutional Court decides on complaints by natural persons and legal entities, if they object to a violation of their fundamental rights and freedoms contained in the constitution, or of human rights and fundamental freedoms resulting from an international treaty that the Slovak Republic has ratified and was promulgated in the manner established by law (unless another court decides on the protection of these rights).

It is worth noting that municipalities more often use proceedings under Art. 127 par. 1, than proceedings under Art. 127a. In our opinion, one of the reasons for this state of affairs is the fact that proceedings under Art. 127a, i.e. on the basis of a classic municipal complaint, it is professionally and therefore financially more demanding for municipalities.

CONCLUSION

On the basis of what we stated in the contribution, we would like to state that the constitutional enshrining and implementation of the right of municipalities to self-government in Slovak conditions corresponds in terms of form and content to the legal regulation of this institute in other countries of the European Union. We consider our claim to be realistic, despite the fact that the Constitution of the Slovak Republic does not explicitly enshrine the analysed right, but the Constitutional Court of the Slovak Republic confirmed it with its ruling, which undoubtedly gave it the stamp of constitutionality.

However, our finding does not mean that the right of municipalities to self-governance in the Slovak Republic does not need to be improved legislatively, on the contrary, it is highly desirable. It is not by chance that in this paper we pointed out several weak (problematic) legislative points related to the right of municipalities to self-governance. If we perceive the Constitution of the Slovak Republic in a material sense, i.e. as part of it, we will consider not only the constitutional text, but also the content of the laws that brings it into existing,

we find space for specifying the right of the municipality to self-governance, especially the Act on Municipal Establishment, which is the most important from the point of view of the implementing laws of the right of the municipality examined by us.
A more perfect legal arrangement corresponding to the current knowledge of legal theory (or the theory of territorial self-government, but also the needs of the practice of Slovak municipal governments) would be particularly deserving to the content of the municipality's right to self-government. By that we mean for example – a broader definition of the legal subjectivity of municipalities, the possibility of their effective cooperation (especially from the point of view of small municipalities), a more complex and at the same time more detailed embedding of municipal legislation in terms of adjusting the process of adopting generally binding regulations (including distinguishing their name depending on the scope of the municipality's jurisdiction they are adopted), a clearer regulation of the municipal mayor's right of sistance in terms of the prohibition of its use in relation to municipal regulations, etc.
All the indicated problems (as well as other necessary legal adjustments) could be solved as part of the municipal reform (reform of the municipal establishment), which in Slovak conditions has been postponed for a long time, although everyone who understands territorial self-government knows well that it is necessary and from the point of view of the development of law municipalities it's also important for self-government.

References

ASTRAUSKAS, A. and GECIKOVA, I. Similarities and Differences in Local Self-Government in Lithuania and Slovakia. *American International Journal of Social Science*. 2014, vol. 3, no. 5, p. 153–182. ISSN 2325-4149.

BLAUG, R. Engineering Democracy. *Political Studies*. 2002, vol. 50, no. 1, p. 116–128. ISSN 0032-3217.

BOGUSZAK, J., ČAPEK, J. a GERLOCH, A. *Teorie práva*. 2., přeprac. vyd. Praha: ASPI, 2004. ISBN 80-7357-030-0.

ČIČ, M. et al. *Komentár k Ústave Slovenskej republiky*. Žilina: Eurokódex, 2012. ISBN 978-80-89447-93-0.

DOBROVIČOVÁ, G. Ústavné základy tvorby práva de contitutione ferenda. In: *Ústavný systém Slovenskej republiky (doterajší vývoj, aktuálny stav, perspektívy)*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach, Právnická fakulta, 2009, s. 128–145. ISBN 978-80-7097-777-4.

DRGONEC, J. *Ústava Slovenskej republiky: komentár*. 3. vydanie. Šamorín: Heuréka, 2012. ISBN 80-89122-73-8.

DRGONEC, J. *Ústavné právo hmotné*. Bratislava: C. H. Beck, 2018. ISBN 978-80-89603-57-2.

DUŠEK, L. Co je obsahem práva na samosprávu a komu takové právo náleží. In: ANTOŠ, M. a WINTR, J. (eds.). *Výkonná a soudní moc v demokratickém právním státě*. Praha: Leges, 2012, s. 36–49. ISBN 978-80-87576-38-0.

EREMIN, A. R. Content and Guarantees of Implementation the Right to Local Self-Government in the Russian Federation. *European Research Studies Journal*. 2016, vol. 19, no. 3B, p. 187–209. ISSN 1108-2976.

HANSEN, K. The municipality between central state and local self-government: Towards a new municipality. *Local Government Studies* [online]. 1997, vol. 23, no. 4, p. 44–69. ISSN 1743-9388. DOI: 10.1080/03003939708433885.

JESENKO, M. *Právo obce na samosprávu a normotvorba obcí*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach, Fakulta verejnej správy, 2017. ISBN 978-80-8152-539-1.

JESENKO, M. et al. *Obec ako subjekt tvorby práva*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach, 2015. ISBN 978-80-8152-372-4.

KANÁRIK, I. Ústavnosť všeobecne záväzných nariadení obce. *Správní právo*. 2001, roč. 34, č. 1, s. 38–41. ISSN 0139-6005.

KIURIENĖ, V. The Legal Aspects of Participatory Governance in Local Self-Government. *Socialiniai tyrimai / Social Research*. 2012, vol. 3, no. 28, p. 62–75. ISSN 1392-3110.

KJELLBERG, F. Local Government Reorganization and the Revival of Local Democracy. In: KING, D. S. and PIERRE, J. (eds.). *Challenges to Local Government*. London: Sage Publications, 1991, p. 68. ISBN 978-0-8039-8320-8.

MATULA, M. Občan a samospráva – soulad nebo konflikt. In: *Formy uskutočňovania obecnej samosprávy*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach, Fakulta verejnej správy, 2017, s. 28–38. ISBN 978-80-8152-543-8.

MIKHEEV, D. S. Legal analysis of the European Charter of Local Self-Government in the light of the principle of publicity. *Life Science Journal*. 2014, vol. 11, no. 6, p. 619–622. ISSN 1097-8135.

MIKULE, V. K ústavním základům územní samosprávy. In: KYSELA, J. (ed.). *Deset let Ústavy České republiky: východiska, stav, perspektivy*. Praha: Eurolex Bohemia, 2003, s. 412–419. ISBN 80-86432-45-9.

OROSZ, L. a MAZÁK, J. *Obce a samosprávne kraje v konaní pred Ústavným súdom Slovenskej republiky*. Košice: Mayor Group, 2004. ISBN 80-969128-0-1.

PALÚŠ, I. Nefunkčná obec – progres alebo ďalšie problémy? *Štát a právo*. 2020, roč. 7, č. 2–3, s. 108–117. ISSN 1339-7753.

PALÚŠ, I. Obecné zastupiteľstvo ako orgán verejnej moci. *Štát a právo*. 2014, roč. 1, č. 2, s. 180–197. ISSN 1339-7753.

PALÚŠ, I. et al. *Formy uskutočňovania obecnej samosprávy*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach, Fakulta verejnej správy, 2018. ISBN 978-80-8152-663-3.

PALÚŠ, I. et al. *Ústavné právo Slovenskej republiky*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach, Fakulta verejnej správy, 2016. ISBN 978-80-8152-442-4.

PALÚŠ, I., JESENKO, M. a KRUNKOVÁ, A. *Obec ako základ územnej samosprávy*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach, Fakulta verejnej správy, 2010. ISBN 978-80-8129-003-9.

TEKELI, J. a HOFFMANN, M. *Zákon o obecnom zriadení: komentár*. Bratislava: Wolters Kluwer, 2014. ISBN 978-80-8168-034-2.

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SELECTION OF LABOUR LAW ISSUES AT THE LEVEL OF MUNICIPAL GOVERNMENT

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Abstract

The article is focused on specific features of employment relationships in municipal self-government with critical reference to key problems and their practical consequences in application practice. The author pays attention to the labour law claims of elected officials in municipal self-government, which in terms of current legislation are neither systematically nor comprehensively addressed. It points out the complexity of the mutual relations of the Labour Code as a lex generalis legal norm and special regulations that partially regulate individual labour law issues of elected officials, which causes opacity and variability in the interpretation of individual provisions of legislation. Attention is also paid to competency relations between the authorities of municipality.

Keywords

self-government, elected officials, labour law claims, employment relationships, competency relations

INTRODUCTION

Public administration is a reflection of the maturity of the modern democratic political system. Modern public administration must go hand in hand with the dynamic development of society, technology, digitization and informatization. Existing global trends clearly require changes in the way of state administration, which will reflect the need for a new quality of approaches to solving the requirements of citizens, regional requirements, but also the whole state. A significant role and responsibility for the fulfillment of this goal lies not only with political elites, but also with top (management) managers, as well as ordinary employees, who are "precious assets" for the realization of executive power in the state (Žofčinová, 2021). It is therefore only to be expected that those appointed will also have adequate leadership competencies (Jankelová et al., 2021).

Territorial self-government represents the democratic basis for the organisation and management of public affairs in the conditions of modern democracies based on the principles of decentralisation and subsidiarity. *"As part of public administration, it is an expression of the effort to carry out tasks to secure the interests of the territorial*

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community of citizens relatively independently and without direct involvement of the state and state bodies" (Jesenko, 2015, p. 5). Territorial self-government is special precisely in that it is an expression of the community's interest in self-government, self-regulation or interest in self-decision. This is a type of administration where one entity – residents of a territorial self-government unit – is also in a dual position. On the one hand, they are the object towards which the report is directed and, on the other hand, they are in the position of the subject of that administration, they have the opportunity to participate in its performance. To put it simply, the managed manage themselves. Pernthaler (1986, p. 269) states that self-government is to be understood *"as a democratic organizational form of care 'for the own affairs' of the groups of citizens concerned, independent and under state supervision"*.

Holländer (2006, p. 207) points out that *"it is the aspect of independence combined with the aspect of state consideration in the area of its creation and implementation that makes territorial self-government specific, since it is nevertheless not subordinate to state bodies (meaning state administration bodies), i.e. it operates autonomously within a legally or generally legally defined framework"*.

As part of this paper, we present a critical analysis of duality and the resulting friction surfaces, unsystematic legal drawings towards municipal self-government. The current legal regulation of the labour law status of elected public officials of municipal self-government is neither systematically nor comprehensively addressed. Labour law issues in relation to elected municipal government officials raise several questions in practice, and it should be noted that quite rightly. The complex interrelations between the Labour Code and the special regulations governing the relations of elected officials make the situation seem unclear. At the same time, it is a fact that labour law regulation in some areas is very modest, far from being concentrated in one place and sometimes absent from generally binding legislation. This fact tempts the application practice and provides space for own, sometimes purposeful, legal interpretation of individual municipalities in the field of labor law. It is common ground that the examination of the issue of employment relationships in municipal government can be approached in different ways.

The specifics of labour relations in municipal government

Labour law terminology is not unified in the definition of employment relationships. According to Section 1 of Act No. 311/2001 Coll. The Labour Code, as amended (hereinafter referred to as the "Labour Code") defines only the material scope of the Labour Code, i.e. "individual employment relationships in connection with the carrying out by natural persons of dependent work for legal entities or natural persons and collective employment relations". There is no further specification of the content.

From the point of view of the nature of legal relations in municipal self-government, we can define two different groups of legal relations. The first group is legal relations between the municipality and municipal employees in the context where the municipality has the legal status of an employer in relation to municipal employees. In this case, the subsidiary scope of the Labour Code applies, i.e. special legislation will be applied as a priority, and if they do not offer a solution to the labor law issue, then the legislation of the Labour Code

applies. The second group is legal regulation of legal relations in the case of elected representatives – municipal government officials.

The first group of legal relations represents employment relations between the municipality as an employer and municipal employees. We agree with Thurzová, Dudor and Mezei (2016, p. 99), who state that "there are specificities of some positions of employees occupied by appointment and election", e.g. the Act on Municipal Establishment expressly provides for appointment as a prerequisite for performing work in the public interest in the case of the head of the municipal office who is an employee of the municipality. His appointment is a prerequisite for concluding an employment contract. A specific position in the structure of municipal employees is also occupied by the head (director) of budgetary and contributory organizations, which he appoints and removes to the position pursuant to Section 11, Subsection 4 Paragraph l) of Act No. 369/1990 Coll. on Municipal Establishment, as amended (hereinafter referred to as the "Act on Municipal Establishment") by the municipal council on the proposal of the mayor of the municipality. Again, the appointment is a pre-contractual prerequisite for the conclusion of an employment contract with the relevant director. According to Tekeli and Hoffmann (2013, p. 59), an employee in a job position – the chief controller of the municipality – has a unique position in the conditions of municipal self-government, which in the conditions of the Slovak municipal government is the only position in the circle of employees that is filled by election pursuant in Section 11, Subsection 4 Paragraph j) of the Municipal Establishment Act and whose municipal council elects and removes, determines the scope of performance of the office of the Chief Controller and his salary, approves the remuneration of the Chief Controller. According to Section 5 of the Municipal Police Act, the municipal police consists of municipal police officers who are also municipal employees with the status of a public official in the performance of tasks defined ex lege and within its framework a generally binding municipal regulation.

The existing legal regulation of employment relations of municipal employees cannot be considered appropriate. Also critical are Thurzová, Dudor and Mezei (2016, p. 116), who argue that the Labour Code, which is still largely applied to these employees (to an insufficient extent), reflects the public character of these legal relations, which raises practical problems. There is also a lack of flexibility of employees, stability of employment relationships due to political rivalries between parties in municipal bodies.

One of the powers of municipalities, which municipalities internally, within their management and competence, occupy and fully exercise, is the position of the municipality as an employer. According to the Labour Code, an employer may be (Section 7 of the Code of Civil Procedure) *"a legal entity or a natural person who employs at least one natural person in an employment relationship and, if provided for by a special regulation, also in similar employment relationships"*. Subsequent to Act No. 40/1964 Coll. The Civil Code, as amended, defines who has the status of a legal entity and includes among these also units of territorial self-government. *"This position is irreplaceable in the sense that human capital constitutes a key source of the vast majority of activities carried out by municipalities"* (Žofčinová and Král, 2014, p. 42).

In view of the above-mentioned subsidiary scope of the Labour Code, the key law regulating the status and competences of municipalities in the field of personnel provision is the Act on Municipal Establishment. The municipal authority has not been granted legal personality,

therefore only the municipality as a legal entity has the right to act as an employer. Based on Section 9 of the Labour Code, legal acts of an employer who is a legal entity are performed by a statutory body or a member of a statutory body. In connection with Section 9 of the Labour Code as well as from the Act on Municipal Establishment in Section 13, Subsection 5 follows 'that the statutory body is the mayor of the municipality'. The mayor of the municipality, as the statutory body of the municipality, has the status of an employer in employment relations. We consider that the tasks arising from this position are of such a serious nature that the regulation is inadequate.

The question of introducing an educational assumption: "obtaining at least secondary education" is positive, but we are not convinced that it is sufficient even in today's advancing society. The impact of modernisation, flexible forms of employment, new technologies, all legal (European and international) regulations is advancing. The mayor of the municipality, as a statutory body, does not have such a professionally extensive apparatus – a team of employees – to be able to easily face this progress in the field of labor law. Possibilities of employing agency employees, project employment, employment within employment services, all these are only partial signalling areas that the mayor of a municipality (even a small municipality) must manage as an employer. Where organizational units operate in larger municipalities, towns, but also in state administration, this fact is alarming in small villages and individual tasks and activities placed on the shoulders of small municipalities are often unmanageable in terms of organizational support, personnel and finance.

If we continue to consider, this power is limited by the power of the municipal council (in both creation and legislative areas). According to Thurzová, Dudor and Mezei (2016), *"all legal restrictions must be understood in such a way that if a legal act (in our case an employment act, e.g. if the mayor himself determines or changes the amount of his salary) that belongs to the municipal council, was made by the mayor of the municipality, it would be considered invalid for lack of competence"*. It is desirable to pay wider attention to the issue of municipalities in the position of employers, but this is the subject of separate examination.

In addition to the above-mentioned basic individual employment relationships, e.g. employment relationships of municipal employees, in the case of the second group of employment relations in municipal self-government, the method of legal regulation of legal relations in the case of elected representatives – functionaries of municipal self-government is different. On the basis of Section 2, Subsection 2 The Labour Code applies to legal relations arising from the performance of public office if it expressly provides for this itself or if provided for by a special regulation. In this context, it is the elected representatives of the municipal self-government and their legal relations that arise in connection with the performance of public office that are specific to labour law, for example, regarding the scope of the Labour Code in liability for damage to a public official. It is also important to note that the mayor of the municipality participates in social and health insurance as an employee during the performance of his duties (despite the fact that the function of mayor of the municipality is not performed in an employment relationship). According to Section 25, Subsection 5 of the Act on Municipal Establishment, members of the municipal council perform the function of a deputy in principle without interruption of employment or similar relationship. The legal relations of elected municipal officials

end in relation to the municipality upon termination of their office and therefore also all employment claims related to the performance of their function. This is just an outline of specific situations that arise in the context of legal relations in the performance of public office in municipal government.

"Competency friction surfaces" between the authorities of municipality

Despite the fact that there is no relationship of superiority and subordination between municipal bodies, the division of competences between municipal bodies in the field of labour law causes competency "friction surfaces". According to Palúš, Jesenko and Krunková (2010, p. 20), *"self-government at both levels is constitutionally independently and separately, which does not exclude, rather presupposes, their mutual cooperation in ensuring self-governing functions"*. We largely share this statement, but quite the opposite in many situations. Discussions across the social spectrum around the issue of the status and competences of municipal bodies (in our case in the field of labour law), especially in their collision form and in certain friction surfaces, increasingly go beyond the standardized legislative established framework. Palúš (2017, p. 15) believes that *"good functioning of municipal self-government leads to effective administration close to the citizen, which is the main prerequisite for its effectiveness"*.
Relations between the authorities of municipality are becoming the object of not only legal confrontation, but also a critical attitude on the part of the lay public. "The existence of conflicting areas of competence in the field of labour law reflects one of the essential features of law, namely that the rule of law cannot be inconsistent. The legislator cannot and cannot foresee all possible application situations that arise in the process of applying the relevant standards. The question arises as to whether the principle of De minimis non curat lex is applicable to competences between the autorities of municipality in employment relations" (Tekeli, 2016, p.10).
According to Section 13 of the Act on Municipal Establishment, the mayor of a municipality is a representative of the municipality and the highest executive body of the municipality. The terminus technicus "representative" is a term difficult to grasp and define in the field of law. We believe that if the term representative is synonymous with the term representative – bearer, then it is an entity that represents a certain social whole, i.e. a municipality. However, even in this statement, from the point of view of labour law, there is no precise terminological certainty in relation to the competences of the employer (which the mayor of the municipality has) in relation to municipal employees.
According to Tekeli (2016, p. 170), *"the mayor represents the municipality externally, both in external administrative-legal relations, in private-law relations and in protocol relations"*. If it is also the highest executive body of the municipality, then the question arises which other body of the municipality (out of the two possible ones – the mayor and the council) is still the executive body of the municipality. Although the Act on Municipal Establishment permits the operation of an executive body, e.g. the municipal council is the executive body of the municipal council, but not the executive body of the municipality. Based on the above, we consider the designation of the mayor of the municipality as the highest

executive body to be terminological "uselessness" and it would be sufficient to define the status of the mayor of the municipality as the executive body of the municipality.
Election to the public office of mayor of a municipality does not establish an employment relationship. This cannot be regarded as a pre-contractual legal fact on the basis of which an employment relationship would be established between the municipality on the one hand and the mayor or deputy on the other.
The Act on Municipal Establishment expressly provides for the incompatibility of the office of mayor of a municipality or a member of a municipal council, among other restrictions, with the position of employee of the municipality in which he was elected. An employee of a municipality within the meaning of Section 11 of the Labour Code can be considered "a natural person who, carrying out dependent work form an employer under an employment relationship or, insofar as a special regulation so provides, simiral labour relationshop". In view of the fact that Section 11 of the Labour Code states ...'in an employment relationship', i.e. not only in an employment relationship, but also in terms of agreements on work performed outside the employment relationship. From the point of view of labour law, the post of mayor of a municipality is also incompatible with the service of a senior employee of a state administration body, i.e. a senior civil servant. However, despite the fact that the mayor of the municipality is not in an employment relationship with the municipality, in many employment matters this relationship is similar to an employment relationship. By this we can conclude that, in the case of an elected official of a municipal government, his activity undoubtedly has the character of participation in social work, but this fact alone does not in itself confirm that it is carried out within the framework of an employment relationship. In terms of assigned competences, the mayor issues the Working Regulations, the Organizational Order of the Municipal Office and the Order of Remuneration of Municipal Employees in the field of labour law. At the same time, it informs the municipal council about the issuance and changes of the organizational rules of the municipal office. It follows that the mayor of the municipality expressis verbis issues internal legal norms. These are norms of an internal nature directed to the interior of the organization of the municipality.
The issuance of the Working Regulations is a logical fulfilment of the position of the mayor of the municipality as a statutory body in labor relations. The Labour Regulations specify working conditions in accordance with the legal regulations of the provisions of the Labour Code according to the special conditions of the employer (Section 84, Subsection 2 of the Code of Civil Procedure). In relation to the municipality, the purpose is to further regulate the conditions of employment relations of municipal employees. Since it is an internal regulation of the municipality, the conditions specified by it apply to all employees in an employment relationship with the municipality (hence also "employees who carry out work under agreements on work outside employment").
Likewise, the remuneration order of municipal employees is an expression of the mayor's unequivocal authority in the field of labor relations. The basic legal norm that predetermines possible modifications within the internal legal norm, i.e. the relevant rules of remuneration of municipal employees, is Act No. 553/2003 Coll. on the remuneration of certain employees in the performance of work in the public interest, as amended. This modification in remuneration through an internal legal norm should reflect more favourable conditions in the remuneration of municipal employees.

Another legal norm is the organizational order of the municipal office. The amendment to the Act on Municipal Establishment in 2010 changed the competence and its issuance is in the competence of the mayor of the municipality according to the current legislation of the Act on Municipal Establishment (until 2010 – the competence of the municipal council). It was this change in competence that was and is one of the "competency crises". Opponents criticized the strengthening of the mayor's powers, her supporters supported the mayor's very position as the executive body of the municipality responsible for the organization and running of the municipality, which would be difficult to achieve without the possibility of influencing the organization of the municipal office. The mayor's day-to-day involvement in the administration of the municipality, its management and proper functioning cannot be matched by a periodic meeting of the municipal council in terms of assessing the correctness of the organisational structure of the office. In labour law matters in relation to employees of the municipal office, the mayor of the municipality is in the position of the so-called employer as a statutory body of the municipality. In this context, there may be some discrepancies between the municipal council and the mayor of the municipality precisely in the exercise of this competence. The mayor of a municipality is obliged to inform the municipal council about the issuance and changes of the organizational rules of the municipal office, while the approval of the municipal budget, its changes and therefore funds for the operation of the municipal office fall within the exclusive competence of the municipal council. This implies the mayor's limitations on the expansion, changes and other adjustments of the operation and organizational provision of the municipal office and the conclusion of various employment relations in relation to the municipality. Although it is a "representative", financial decision-making is a legal instrument of the municipal council within the framework of dual decision-making by municipal bodies. Issuing internal regulations in territorial self-government is one of the so-called shared competences. Their issuance is entrusted either to the competence of the municipal council or the mayor of the municipality, as mentioned above. In relation to the creation of internal municipal legislation, the rule is that if the municipal statute sets the powers of the municipal council differently from the Act on Municipal Establishment, the only diversification criterion for the division of competence between the mayor of the municipality and the municipal council is exclusively statutory regulation. In application practice, however, such division of competencies is not respected and some of the internal regulations are thus incorrectly applied.

Based on the above, according to Section 9 of the Labour Code, he "performs legal acts on behalf of an employer who is a legal entity, statutory body or member of a statutory body". In this context, within the meaning of Section 1 of the Act on Municipal Establishment, a municipality is a legal person. Therefore, legal acts should be carried out on its behalf by a statutory body – i.e. the mayor. On behalf of the municipality, it signals that it binds the legal entity, i.e. the municipality, by its actions. If the mayor of a municipality concludes an employment contract with a municipal employee, he manifests the will of the municipality externally. Starting from the basic institutes of civil law, the will as a significant feature of a legal act is the desire, the interest of the subject to enter into a legal relationship and thus produce concrete legal effects. The manifestation of will is an external presentation in relation to the addressee. In the case of employment

relations, the mayor of the municipality thus manifests his will, whereby this expression of will and the conclusion of an employment relationship with a specific natural person is bound by the municipality as a whole, as a legal entity. By this expression of will, without the participation of the municipal council, the mayor demonstrates the will of the municipality, since he is in the position of an employer and this competence arises ex lege. Controversial situations arise in application practice when the mayor hires "his acquaintances, friends, etc.", i.e. natural persons who may be morally, professionally and ethically unacceptable for the municipality as a whole. A different situation arises if the will is expressed by another body of the municipality, i.e. the municipal council. In employment relations, this is the case, for example, with the election of the chief controller of a municipality by the municipal council, which forms the will of the municipality externally and the mayor has to express the will and conclude an employment contract with the elected chief controller. In this situation, when the mayor refuses to conclude an employment contract with a candidate (he delays), even though the law imposes such an obligation, we are again convinced that, as in many other legal regulations of the legal order of the Slovak Republic, the legal obligation is not supplemented by a sanction for non-compliance with this obligation. We believe that in this particular case, such behaviour of the mayor could, for example, be an incentive for the municipal council to initiate a local referendum on his removal, referring to the grounds mentioned in Section 13a, Subsection 1 of the Municipal Establishment Act. However, even this institute, defining the reasons for calling a referendum, brings many pitfalls which, in our opinion, complicate their actual application in practice. In the context of these ideas, the procedure for exercising accountability to the mayor also plays an important role. The aim in this case should not be to punish the responsible mayor, but above all to provide for a legally enshrined mechanism or method to resolve a situation where the employment relationship of the legally elected chief controller of the municipality did not arise due to a violation of the law. The proposed solution could also be to legally enshrine the establishment of the Chief Controller's employment relationship directly ex lege. This would apply if, within the statutory period, after the final election of the controller by the municipal council, the mayor had not concluded an employment contract with the elected candidate, and provided that the procedure or outcome of the election of the controller was not challenged by the prosecutor by one of the instruments of prosecutorial supervision or by an administrative action before a court.

The competence of the municipal council is determined by its authority and competence within the limits of Section 11 Subscetion 4 of the Municipal Establishment Act. In the field of labour law, the competence of the municipal council is to determine the salary of the mayor of the municipality. The salary of mayors, as well as certain other related requirements, is regulated by Act No. 253/1994 Coll. on the Legal Status and Salaries of Mayors of Municipalities and Mayors of Cities (hereinafter referred to as the "Act on Legal Status and Salary"). Approval of the salary of the mayor of a municipality is a very powerful tool in the hands of the municipal council with room for political tactics in order to achieve so-called municipal interests. The mayor of a municipality is legally entitled to a salary, but the provision of Section 4, Subsection 2 the Law on Legal Status and Salary, according to which 'the municipal council may, by decision, increase this

salary by up to 60%. The provision of Section 4, Subsection 6 of the Law on Legal Status and Salary is particularly incomprehensible, according to which the municipal council in a municipality with a population of less than 500 may at any time, with the consent of the mayor, reduce 1.65 times his salary up to 0 times during his term of office'. There is merit in our criticism of this provision of the law and we share the opinion of Tekeli (2016, p. 110), i.e. *"the mayor of a small municipality, without a significant administrative apparatus with the same scope of devolved state administration, the exercise of self-government is subject to political pressure and favor of the municipal council not to use this legal instrument as an attempt to appeal to the mayor for the purpose of "municipal welfare" to perform the office of mayor for a low salary, or even free of charge"*. If this legislation were to be "fair", it should apply to mayors of all municipalities with no link to population. There is also no incentive component in the form of rewards for mayors of municipalities (in the historical context, the rewards were legislatively enshrined), who significantly contributed to the improvement of the municipality, or to obtaining various grants, projects, etc. Application practice in municipal government also deals with this fact "in its own way" and solves this situation by temporarily increasing the salary for a strictly defined time. In any functioning remuneration system, motivation in the form of a purposeful one-off reward for better performance of social work is an important tool. Although it is legally acceptable to increase the basic salary, it should reflect the number of inhabitants in the village and not the distinctiveness and effort in the development and construction and operation of the village.

Labour law claims of the mayor of the municipality

As mentioned above, the complex interrelations of the Labor Code and the special regulations that regulate the relations of elected officials cause limited clarity. "At the same time, it is a fact that labour law regulation of some affairs is very modest, far from being concentrated in one place and sometimes absent from generally binding legislation" (Briestenský et al., 2011, p. 25). If we assume that the performance of public office does not take place in an employment relationship, the employment rights of elected officials are tied to the manner in which they are released from office (Žofčinová, 2017). It is important whether it is a release for public office in addition to the performance of professional duties (i.e. for the necessary time) or a release for public office has a long-term character. We note that the term "long-term", "short-term" is not precise and legislatively defined and causes terminological chaos in application practice. As stated above, the performance of the public office of the mayor of a municipality does not take place in an employment relationship. Nevertheless, during the performance of his duties, the mayor of a municipality is considered an employee for exhaustively specified purposes. Such a legal situation is eo ipso 'peculiar' for labour law.

According to Section 2, Subsection 3 of the Law on Legal Status and Salaries *'shall be considered by the mayor as an employee in employment during the performance of his duties for the purposes of creating and using the social fund and for the purpose of providing meals and contributing to meals'*. In these cases, the municipality acts as an employer

in relation to the mayor of the municipality. This is also the case for health insurance, sickness and pension insurance, unemployment benefits or unemployment insurance contributions. According to Section 215, Subsection 1 of the Labour Code applies to the same claims in the case of damages. Thus, the municipality acts as an employer in relation to the mayor for these purposes. According to Section 215 of the Labour Code , *"Where a natural person performing public office incurs damage in carrying out the office or in dierect connection therewith, such damage shall be the liability of the organisation for which the person worked. The natural person shall be liable for damage caused to that organisation"*. The provision of Section 215 of the Labour Code regulates the legal regulation of the institute of liability for damage in the performance of public office. In this context, according to Barancová (2017), *"this refers to all types of liability for damage in labour law, which applies even if there is no employment relationship (the case of the mayor of the municipality)"*.

In connection with the performance of the function, the mayor of the municipality is legally entitled to a salary. The substance of the legislation consists primarily in setting a minimum monthly salary for mayors, which is derived from the number of inhabitants of a municipality or city who have permanent residence in their territory and also lays down other requirements relating to the performance of their duties. According to Section 3 of the Act on Legal Status and Salary, the mayor of a municipality is entitled to "a salary that is the product of the average monthly salary in an employee in the national economy calculated on the basis of data from the Statistical Office of the Slovak Republic and a specific multiple set by the above-mentioned Act".

The power of the municipal council to determine the salary of the mayor of a municipality arises from the provision of Section 11, Subsection 4 Paragraph i) of the Municipal Establishment Act. From a grammatical point of view, the concepts of "determine" or determine are understood as deciding on something or someone, making a conclusion. Thus, the concept of 'determining the mayor's salary' is precisely defined, comprehensible, without doubt as to its meaning and refers only to the determination of the mayor's salary. It shall in no way apply to the determination of the mayor's working time as a possible pre-stage to determining the mayor's salary; Therefore, the competence of the municipal council to determine the mayor's salary does not subsume the determination of the mayor's tenure. With regard to the power of the municipal council to determine the mayor's salary, we note that this power is also limited by the Act on the Legal Status and Salaries of Mayors of Municipalities and Mayors of Cities, which sets the minimum monthly salary of a mayor corresponding to the number of inhabitants of a municipality or city who have permanent residence in their territory. The municipal council may not determine a lower salary than that provided for in the law in question.

In Section 2, Subsection 2 The Act on Legal Status and Salaries also regulates the entitlement to leave for all mayors, regardless of the extent of their time under a special regulation, i.e. Section 103 of the Code of Civil Procedure, or a collective agreement by which the municipality is bound. The current legislation is thus aligned with the legislation on holiday entitlement of a municipal employee. We only note the entitlement to leave. The problem is the actual taking of leave. According to Section 111 of the Code of Civil Procedure, *"the use of leave is determined by the employer after consultation with the employee according to the vacation plan determined with the prior consent*

of the employees' representatives so that the employee can usually use the leave in its entirety and until the end of the calendar year".
The mayor has no one to determine how to take leave. Thus, the Law on Salary Ratios allows the replacement of salary for unused leave only if he could not take the leave even by the end of the next calendar year and if the municipal council decided to do so. The question is who is competent to determine that the mayor of the municipality could not take vacation, whether there were and what were the reasons for the impossibility of drawing, whether there is a legal right to claim compensation, etc. If the municipal council decides on the reimbursement of the salary for unused vacation, it is a significant economic "improvement" for the mayor. At the same time, we argue whether the decision of the municipal council that does not comply with the mayor's will to compensate for unused vacation is an interference with his rights and legally protected interests, and whether the municipal council is obliged to decide in favor of the mayor.
According to Section 2, Subsection 2 The Act on the Legal Status and Salaries of Mayors during the Performance of Their Duties *'shall be entitled to leave to the extent permitted by a special regulation or to the extent permitted by a collective agreement binding on the municipality as an employer'*. Salary compensation for unused leave may be granted to the mayor only if he has not been able to take the leave by the end of the next calendar year and if the municipal council has decided to do so. On the basis of the above, in Section 2, Subsection2 of the Act in question, the second sentence of that law allows the possibility of replacing the salary for unused leave with the mayor of a municipality who could not take it even by the end of the next calendar year, but only on condition that the municipal council so decides. Thus, objective law recognises the right of the mayor of a municipality to reimbursement of his salary for vacation not taken, but makes its entitlement and applicability conditional on the decision of the municipal council. Thus, the right to reimbursement of the salary of the mayor of a municipality comes into the form of a judicially asserted claim only after a corresponding decision of the municipal council. If the resolution to Section 2, Subsection 2 of the Act on the Legal Status and Salaries of Mayors is not approved by the Municipal Council, the right to reimbursement of the salary of the entities concerned is not judicially applicable.
The acceptance of the formulated conclusion follows from the specific status of the mayor of the municipality, which is not an employee of the municipality (Section 2, Subsection 1 of the Law on Legal Status and Salary), leaving him to the extent provided for by labour legislation. At the same time, the mayor of the municipality is the statutory body of the municipality according to (Section 13, Subsection 5 of the Municipal Establishment Act). Based on the explanatory memorandum to the Act on the Legal Status and Salaries of Mayors, it aptly clarifies that since the office of mayor is not performed in an employment relationship and the mayor has no one under the Labour Code to determine the period of taking leave, it is stipulated that the municipal council decides on the reimbursement of unused leave. The mayor of the municipality, as the statutory body of the municipality, is not in the position of a "standard" employee, to whom the employer is obliged to determine the use of leave, with the understanding that in the event of failure to comply with this obligation, the employee is entitled to compensation for wages for unused vacation. In that regard, if the mayor of a municipality does not take his leave by the end

of the following calendar year, he runs the risk of not receiving compensation for the leave not taken. At the legal level, this risk is manifested precisely by the absence of entitlement to the right regulated by Section 2, Subsection 2 second sentence of the Law on Legal Status and Salary, which is linked to the wide discretion of the municipal council in considering the application for reimbursement. The Act on the Legal Status and Salaries of Mayors objectively regulated the right to compensation for unused vacation does not take the form of a legal claim of the particular mayor concerned without a decision of the municipal council. In that regard, the mayor of a municipality cannot seek judicial protection of that right, irrespective of whether it is a proposal to initiate civil proceedings or a proposal for judicial review of procedures or a decision of the municipal council based on arguments on the obligation to rule in favour of the mayor-applicant for reimbursement. On the basis of the foregoing, we conclude that, although there is a subjective right of the mayor of a municipality to reimbursement of salary for vacation not taken under the Salary Ratios Act, this subjective right is not judicially applicable in view of the absence of entitlement.
In addition to leave, the Act on Salaries enshrines the conditions under which the mayor is provided with a one-off financial remuneration for the performance of his duties – severance pay – after the end of his mandate. According to Section 5 of the Act on Legal Status and Salary, "after the termination of the mandate of the mayor of the municipality, the mayor of a municipality is entitled to severance payments from the municipal budget in the amount of (a) twice his average monthly salary if he has held office for more than six months; (b) three times his average monthly salary if he held office for one term; (c) four times his average monthly salary if he held office for two consecutive terms; (d) five times his average monthly salary if he has held office for at least three consecutive terms".
There will be no entitlement to severance pay if the mayor has been re-elected. The right to severance pay is maintained even in the event of the mayor's death. The legal title passes to the close persons who lived with him in the household and gradually passes to the spouse, children and parents if they lived with him at the time of death in the household. They become objects of inheritance if there are no such persons. The proposed new model is certainly fairer, as it takes into account (similarly to employees in an employment relationship) the length of their tenure, which is a difference from the previous legislation (until the adoption of Act No. 320/2018 Coll. amending and supplementing the Act of the National Council of the Slovak Republic No. 253/1994 Coll. on the Legal Status and Salaries of Mayors of Municipalities and Mayors of Cities, as amended).
Among other claims, the mayor is entitled to reimbursement of expenses in connection with the performance of his duties – travel allowances in accordance with Act No. 283/2002 Coll. on travel allowances, as amended.

Labour entitlements of municipal councillors

The legislation is no longer as generous as that of municipal mayors. However, the provision of Section 25, Subsection 6 of the Municipal *Establishment Act 'A Member of the Municipal Council may not, by reason of the performance of his duties, be deprived of his rights or entitlements arising from an employment or similar relationship'*. His rights

and entitlements arising from his employment remain unaffected (i.e. cannot be influenced for this reason). It is about providing protection for municipal councillors.

According to Section 25, Subsection 5 of the Municipal Establishment Act *'In principle, the duties of a Member of the Municipal Council shall be performed without interruption of employment or equivalent. Members shall be entitled to reimbursement of actual expenses incurred in connection with the performance of their duties, in accordance with the special rules applicable to employed staff'*.

The employer is obliged to allow his employee to perform the function of a Member of the Municipal Council. According to Section 136, Subsection 1 of the Labor Code *"the employer shall grant the employee time off work for the time strictly necessary for the performance of public functions, civic duties and other acts in the general interest, if this activity cannot be performed outside working hours. Time off from work shall be granted by the employer without compensation of wages, unless otherwise provided by this law, special regulation or collective agreement or unless the employer and the employee agree otherwise"*. A Member who is not employed or equivalent is entitled to compensation for loss of earnings.

As regards the performance of the office of Deputy Mayor, the Act on Municipal Establishment with effect from 1 February 2019 is based on two situations listed in the provision of Section 25, Subsection 7 of the Municipal Establishment Act:

1. A Member of the Municipal Council who is on long-term leave from employment to perform the duties of Deputy Mayor shall be entitled to a salary from the municipality determined by the Mayor according to the material and time demands of the performance of the function, up to a maximum of 70 % of the Mayor's monthly salary. His employment in his previous employment is maintained, that is, it rests. A Member of the Municipal Council is considered to be an employed employee for the purposes of creating and using the social fund, holidays and travel allowances, and the municipality is considered to be the employer.
2. A Member of the Municipal Council who holds the office of Deputy Mayor and is not on long-term leave from employment shall be entitled to a monthly remuneration determined by the Mayor according to the material and time demands of the performance of the function, up to a maximum of 70 % of the Mayor's monthly salary, without an increase according to the respective salary bracket. Special rules apply to Members' social insurance and sickness insurance.

According to Section 136, Subsection 2 of the Labor Code *"it is the employer's duty to release an employee for a long-term period to perform a public office"*. However, he is not legally entitled to wage compensation from the employer with whom he is employed.

From Section 25, Subsection 8 of the Municipal Establishment Act implies the authority of the municipality to grant remuneration to a Member of the Municipal Council. At the same time, it lays down, in a non-exhaustive manner, the criteria for determining the level of that remuneration. The Act mandates that the criteria and issues related to the remuneration of deputies in question be determined by the municipality in a binding manner in the municipality's internal regulation – in the principles of remuneration of deputies.

CONCLUSION

Public administration should be perceived, among other definitional parameters, as a service related to the fulfilment of the social function of the state. It is becoming a trend, but also a challenge, that more and more activities and tasks of public administration can be understood as a service to the public and the recipients of these services can be perceived as clients. The exercise of elected public functions in public administration should also be oriented towards a person in concreto with professional performance of work in providing services to the public. If in the private segment the provision of services on a pro-client approach is "self-evident", the area of public administration should also move in this direction in the provision of services, so that this activity is a public service not only de jure, but also de facto and is perceived as such by its addressees. In this article, we focused on the special character of employment relations in municipal self-government, we analyzed competency relations between municipal bodies in the field of labor law, which often cause friction surfaces. We also looked at the municipality as an employer and captured the discrepancies in the labor law claims of elected municipal officials, who in exhaustively defined cases are considered employees and the performance of their public function is considered an obstacle to work from the point of view of labor law.

SUMMARY

For a long time, the problem of special characteristics of work in the sphere of local government was not given enough attention. The aim of this paper was to clarify labour law aspects of the legal status of elected officials and to point out the specifics of labor relations in municipal government. It is a topic that receives little attention and although it is only a marginal topic when examining various aspects of municipal government, it is a topic of equal importance. The author points out that this topic is resonant in the field of public administration and it is necessary for the legislator to pay more attention to it and to unify legislation so that there are no discrepancies in the interpretation of individual provisions of legislation. It also seems important to harmonise the legislation on labour law in the performance of the public office of mayors of municipalities, mayors of cities, members of municipal councils.

References

BARANCOVÁ, H. *Nové technológie v pracovnoprávnych vzťahoch*. Praha: Leges, 2017. ISBN 978-80-7502-253-0.

BRIESTENSKÝ, L. et al. *Pracovné právo pre verejnú správu: 88 otázok a odpovedí*. Bratislava: Iura Edition, 2011. ISBN 978-80-8078-442-3.

HOLLÄNDER, P. *Filosofie práva*. Plzeň: Vydavatelství a nakladatelství Aleš Čeněk, 2006. ISBN 978-80-8689-896-4.

JANKELOVÁ, N. et al. Vodcovské zručnosti v komunálnej politike. *Politické vedy* [online]. 2021, roč. 24, č. 1, s. 181–204. ISSN 1335-2741. DOI: 10.24040/politickevedy.2021.24.1.181-204.

JESENKO, M. Normotvorba obcí vo veciach ochrany verejného poriadku v obci. In: *Územná samospráva a tvorba práva*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach, 2015, s. 5–15. ISBN 978-80-8152-384-7.

PALÚŠ, I. Teoreticko-právne východiská obecnej samosprávy (so zameraním na podmienky Slovenskej republiky. In: *Formy uskutočňovania obecnej samosprávy*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach, 2017, s. 14–27. ISBN 978-80-8152-543-8.

PALÚŠ, I., JESENKO, M. a KRUNKOVÁ, A. *Obec ako základ územnej samosprávy*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach, 2010. ISBN 978-80-8129-003-9.

PERNTHALER, P. *Allgemeine Staatslehre und Verfassungslehre*. Wien: Springer, 1986. ISBN 978-3-211-81913-5.

TEKELI, J. *Kompetenčné právo v obecnej samospráve*. Bratislava: Wolters Kluwer, 2016. ISBN 978-80-8168-336-7.

TEKELI, J. a HOFFMANN, M. *Kontrola v obecnej samospráve*. Bratislava: Eurokódex, 2013. ISBN 978-80-89447-97-8.

THURZOVÁ, M., DUDOR, L. a MEZEI, J. *Pracovnoprávne vzťahy v územnej samospráve*. Bratislava: Wolters Kluwer, 2016. ISBN 978-80-8168-368-8.

ŽOFČINOVÁ, V. Osobitné postavenie pracovnoprávnych vzťahov v obecnej samospráve. *Štát a právo*. 2017, roč. 4, č. 2, s. 132–142. ISSN 1339-7753.

ŽOFČINOVÁ, V. *Pracovnoprávne vzťahy vo verejnej správe: (delegovaná a subsidiárna pôsobnosť Zákonníka práce)*. Praha: Leges, 2021. ISBN 978-80-7502-577-7.

ŽOFČINOVÁ, V. a KRÁL, R. Obec v pozícii zamestnávateľa v legislatíve Slovenskej republiky. *Grant Journal* [CD-ROM]. 2014, roč. 3, č. 2, s. 42–47. ISSN 1805-062X.

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HOW DOES OPENNESS DETERMINE THE ECONOMY OF LOCAL TERRITORIAL SELF-GOVERNMENT? EVIDENCE FROM SLOVAKIA

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Abstract

The presented study analyzes the impact of openness and economy on Slovak cities and municipalities in the period 2010–2022 using correlation analysis. The results indicate a weak to moderate correlation between openness and transparency in the selected sample of Slovak cities, city districts, and the largest municipality. Significant improvement in the economic domain was observed in 2018. Correlation analysis also reveals that aspects such as public procurement and real estate sales have minimal impact on economic efficiency. Conversely, transparency in municipal enterprises and investments is closely related to economic outcomes. The findings suggest the need for further research and a better understanding of the dynamics between openness and economic outcomes for effective management of public resources and strengthening democratic processes in Slovak cities and municipalities.

Keywords

local self-government, openness, economy, Slovakia

INTRODUCTION

In the realm of effective public governance and democratic development, few topics are as vital as transparency, public engagement, and the efficient management of local governments. These elements form the cornerstone of accountable and responsive governance, ensuring that public resources are utilized effectively and that decision-making processes are inclusive and representative of community needs. This study delves into the intricate relationship between the openness of territorial self-government and the economic performance of local governments in Slovakia spanning the years 2010 to 2022.

The significance of transparency and public participation in governance cannot be overstated. Transparent decision-making processes foster trust among citizens, encourage

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civic participation, and enhance the legitimacy of government actions. Moreover, when local governments operate efficiently, they can better allocate resources, deliver services, and spur economic growth within their jurisdictions. Understanding the interplay between openness and economy is therefore crucial for enhancing the overall effectiveness of public administration and promoting democratic principles at the grassroots level.

By conducting a comprehensive analysis that integrates various indicators of openness and economic efficiency, this study aims to shed light on the nuanced dynamics between these two dimensions. Through correlation analysis and data-driven insights, we seek to discern patterns, trends, and causal relationships that elucidate how openness influences economic outcomes at the local level. Moreover, by examining the implications of these findings, we endeavor to provide actionable recommendations for policymakers and practitioners seeking to bolster transparency, accountability, and economic prosperity in their communities.

Drawing upon a diverse array of data sourced from administrative records, economic reports, and other relevant sources, this study offers a multifaceted exploration of the relationship between the openness of territorial self-government and economy. By unpacking this relationship and elucidating its implications, we aspire to contribute to the ongoing discourse on effective public governance and democratic development, ultimately fostering stronger, more resilient communities in Slovakia and beyond.

Current state of knowledge

From an international perspective, over the past three decades, a plethora of empirical studies have delved into assessing the effectiveness, efficiency, and financial robustness of local governance across various dimensions and determinants. Broadly speaking, two predominant strands of empirical inquiry emerge. On one hand, scholars have focused on appraising specific local services (Kalb, 2014; Benito-López, del Rocio Moreno-Enguix and Solana-Ibañez, 2011; Bosch, Pedraja and Suárez-Pandiello, 2000) scrutinizing their efficacy and efficiency.

The scrutiny of financial stability and efficiency within local governance structures in Slovakia is reasonably well-documented, albeit lacking specific publications offering a contemporaneous and nuanced perspective on the financial landscape of Slovak territorial governance. Insights from authors provide a window into empirical studies encompassing selected clusters of municipalities or local administrations, or alternatively, researchers engage with aggregate data spanning the entire spectrum of local or regional administrations, often juxtaposed against neighboring jurisdictions. Initially, seminal works such as "Municipal finance in Poland, the Slovak Republic, the Czech Republic and Hungary" (Nam and Parsche, 2001) and "Local Government in Central and Eastern Europe" (Coulson and Campbell, 2006) directed attention towards the financial architecture of Slovak territorial governance. Noteworthy among domestic scholars scrutinizing the financial fabric of Slovak municipalities and towns are V. Nižňanský with seminal contributions including "Decentralization and Slovakia" (2013), "Merging and Cooperation of Municipalities" (2014), "Fair Distribution of Political Power" (2014), "The Third Stage of Public Administration Decentralization in Slovakia" co-authored with Cibáková and Hamalová (2014), and "State Reconstruction III: Strong Mettle, Strong Slovakia" (2018). Similarly, studies by Maruchnič and Čunderlík (2005), Čavojec and Sloboda

(2005), Švantnerová and Kožiak (2005) and Klimovský (2013) delve into the efficiency, economy, and financing paradigms of municipalities and towns within Slovak contexts. Further exploration of the financial dynamics of Slovak territorial governance is articulated in the work of Kološta, Flaška, and Bolcárová titled "Financial autonomy of municipalities in relation to economic performance in regions of the Slovak Republic" (2014). More contemporaneously, J. Knežová's article titled "Financial resources of municipalities in the Slovak Republic in a decade-long reflection of fiscal decentralization" from 2015 encapsulates select facets of the evolution of municipal and town financing in Slovakia.

In contrast, the discourse surrounding the openness and transparency of Slovak territorial governance is relatively subdued. Prolonged interest and scholarly endeavor in this domain are primarily attributed to the non-governmental organization Transparency International Slovakia. Under its auspices, authors contribute to a diverse range of works addressing various facets of transparency, including public procurement (Vlach and Sičáková-Beblavá, 2004), manuals on the transparency of local administrations (Pirošík, 2006), analyses of openness and participation, and their value addition at the local governance level (Pavel and Sičáková-Beblavá, 2009).

Partial insights into research on transparency and openness within territorial governance can be gleaned from empirical studies, such as those by Jaďuďová and Repa (2011) or comprehensive assessments of transparency in public administration in Slovakia (Foltíková and Dubcová, 2006), and evaluations of public procurement at the local governance level (Pavel and Sičáková-Beblavá, 2008).

However, within our contextual milieu, research exploring the nexus between openness and the fiscal health of territorial governance is conspicuously absent. Hence, there exists a lacuna for research into the mutual correlation between these dimensions concerning Slovak municipalities, city districts, and the most populous municipality. Consequently, the objective of the case study, employing correlation analysis, is to delineate and quantify the impact of openness as a determinant influencing the financial well-being of Slovak municipalities, city districts, and the most populous municipality during the period 2010–2022.

Studied issues and methods used

The aim of the research case study is to identify and quantify, through correlation analysis, the influence of openness as one of the determinants affecting the management of Slovak municipalities, city districts, and the most populous municipality during the years 2010–2022. Despite significant attention given to research on the efficiency, economy, and financial health of local territorial governance worldwide and also in Slovakia, the involvement of openness in governance as a determinant of economy, efficiency, or financial health remains absent from research. Within the scope of the study, we will initially quantify openness and the financial situation based on partial research indicators.

Primary data sources on economy were obtained through the Data Center (Ministerstvo financií Slovenskej republiky, 2024) and verified by pilot checks through identified Final Accounts and Budgets of specific local governments. Secondary verification and adjustments are carried out through monitoring indicators of the INEKO organization

and its database. Several missing primary data were supplemented through the study of economic and budgetary documents of the affected local governments. The overall primary data set on the economy consisted of 6,000 data points, while the secondary database comprised approximately 500 more. Extensive databases of Transparency Slovakia served as primary sources of openness data. Transparency Slovakia encompasses an extensive set of metadata, methodological procedures, and archives in the research of open governance and summarizes cross-sectional metadata (Transparency International Slovensko, 2024). In the assessment of the set of 100 selected Slovak local governments in the years 2010–2022, primary sources constituted 6,600 data points. Such volume of information can be considered sufficient for verifying research objectives and fulfilling the main goal of the study.

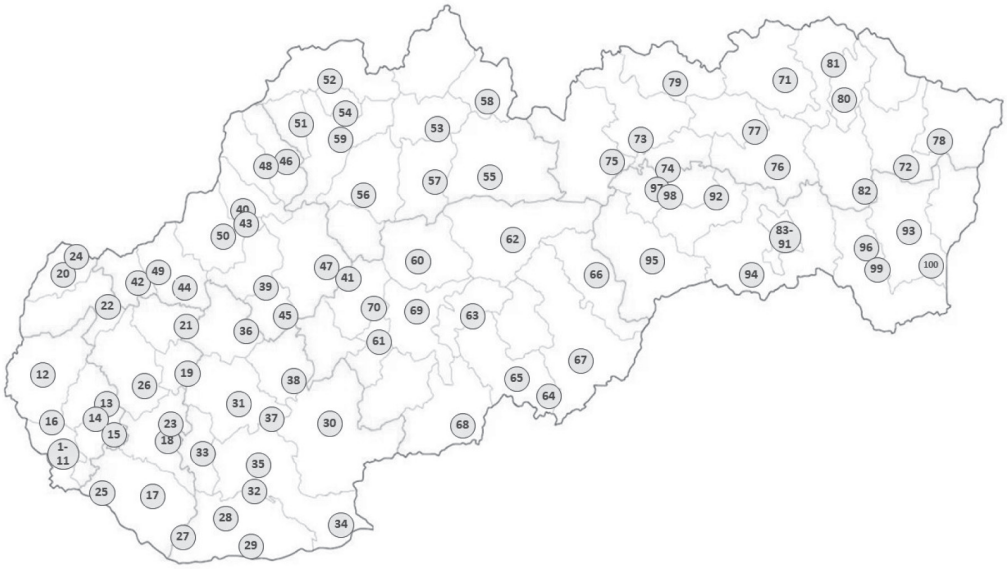
Overall, we included 100 units of local territorial governance in Slovakia in our research plan. The specific research set comprises a total of 79 municipalities, 18 city districts, two city councils, and the most populous municipality in Slovakia (Smižany). This constitutes a cross-sectional research sample targeting the most important centers of settlement in Slovakia, considering regional affiliation and population size.

Tab. 1 Population of the research sample

Population	Local Government Units
Up to 10,000	Banská Štiavnica, Fiľakovo, Krompachy, Modra, Sečovce, Smižany, Stará Turá, Štúrovo, Šurany, Tvrdošín, Veľké Kapušany, Veľký Meder, Vráble
10,000 to 15,000	Bytča, Detva, Holíč, Kolárovo, Kysucké Nové Mesto, Levoča, Moldava nad Bodvou, Myjava, Nová Dubnica, Revúca, Sabinov, Stropkov, Stupava, Svidník, Šamorín, Veľký Krtíš, Zlaté Moravce
15,000 to 20,000	Bánovce nad Bebravou, Dolný Kubín, Galanta, Handlová, Kežmarok, Malacky, Nové Mesto nad Váhom, Púchov, Rožňava, Senica, Sereď, Skalica, Snina, Stará Ľubovňa, Žiar nad Hronom
20,000 to 25,000	Brezno, Čadca, Dubnica nad Váhom, Dunajská Streda, Hlohovec, Partizánske, Pezinok, Rimavská Sobota, Senec, Šaľa, Vranov nad Topľou, Trebišov
25,000 to 53,000	Lučenec, Piešťany, Ružomberok, Topoľčany, Bardejov, Humenné, Levice, Liptovský Mikuláš, Komárno, Michalovce, Nové Zámky, Považská Bystrica, Spišská Nová Ves, Martin, Poprad, Prievidza, Zvolen
Regional cities	Banská Bystrica, Bratislava, Košice, Nitra, Prešov, Trenčín, Trnava, Žilina

Source: Own processing

Pic. 1 Geographic affiliation and distribution of the research sample



Legend: 1 Bratislava; 2 Bratislava – Devínska Nová Ves; 3 Bratislava-Dúbravka; 4 Bratislava – Karlova Ves; 5 Bratislava – Nové Mesto; 6 Bratislava-Petržalka; 7 Bratislava – Podunajské Biskupice; 8 Bratislava-Rača; 9 Bratislava-Ružinov; 10 Bratislava – Staré Mesto; 11 Bratislava-Vrakuňa; 12 Malacky; 13 Modra; 14 Pezinok; 15 Senec; 16 Stupava; 17 Dunajská Streda; 18 Galanta; 19 Hlohovec; 20 Holíč; 21 Piešťany; 22 Senica; 23 Sereď; 24 Skalica; 25 Šamorín; 26 Trnava; 27 Veľký Meder; 28 Kolárovo; 29 Komárno; 30 Levice; 31 Nitra; 32 Nové Zámky; 33 Šaľa; 34 Štúrovo; 35 Šurany; 36 Topoľčany; 37 Vráble; 38 Zlaté Moravce; 39 Bánovce nad Bebravou; 40 Dubnica nad Váhom; 41 Handlová; 42 Myjava; 43 Nová Dubnica; 44 Nové Mesto nad Váhom; 45 Partizánske; 46 Považská Bystrica; 47 Prievidza; 48 Púchov; 49 Stará Turá; 50 Trenčín; 51 Bytča; 52 Čadca; 53 Dolný Kubín; 54 Kysucké Nové Mesto; 55 Liptovský Mikuláš; 56 Martin; 57 Ružomberok; 58 Tvrdošín; 59 Žilina; 60 Banská Bystrica; 61 Banská Štiavnica; 62 Brezno; 63 Detva; 64 Fiľakovo; 65 Lučenec; 66 Revúca; 67 Rimavská Sobota; 68 Veľký Krtíš; 69 Zvolen; 70 Žiar nad Hronom; 71 Bardejov; 72 Humenné; 73 Kežmarok; 74 Levoča; 75 Poprad; 76 Prešov; 77 Sabinov; 78 Snina; 79 Stará Ľubovňa; 80 Stropkov; 81 Svidník; 82 Vranov nad Topľou; 83 Košice; 84 Košice – Dargovských hrdinov; 85 Košice-Juh; 86 Košice – Nad jazerom; 87 Košice-Sever; 88 Košice – Sídlisko KVP; 89 Košice – Sídlisko Ťahanovce; 90 Košice – Staré Mesto; 91. Košice-Západ; 92. Krompachy; 93 Michalovce; 94. Moldava nad Bodvou; 95 Rožňava; 96 Sečovce; 97 Smižany; 98 Spišská Nová Ves; 99 Trebišov; 100 Veľké Kapušany.
Source: Own processing

Research relies on data from databases, synergistically linking and integrating them into the study of causality among values for 100 Slovak territorial units since 2010. The research and analysis of both main areas – economy and openness – are conducted based on multi-component indicators. Regarding the study of openness, we started with 11 assessed areas, each assigned a certain number of points. The sum of these points provides information

on the total number of points and the percentile for each observed city in a specific year or period. Cities could obtain a maximum of 100% of points if all conditions in the partial areas of openness were fully met. The openness of Slovak cities, city districts, and the most populous municipality was verified in these eleven partial indicators:

Tab. 2 Partial Areas of Openness

I. Access to Information	II. Public participation in decision-making	III. Public procurement and provision of services	IV. Sale and rental of property	V. Budget	VI. Subsidies and grants
• Provision, publication and archive of council materials • Contacts for MPs • Electronic official board with archive • Information and reports of the chief controller • Publication of the amount of rewards, the work program of the mayor, the number of requests for information, information in a foreign language	• The public and access to the meetings of the Ministry of Health and the City Council • Publication of minutes from meetings of the Ministry of Education, Committees of the Ministry of Education and Culture (also retroactively) • Published archive of walking sessions of Committees of urban districts • Participatory budgeting • Tool/application for public submission of citizens' comments	• Links to EKS and ÚVO • Announcements, results, archive and VO schedule • Average number of applicants in competitions • The number of unfavorable decisions of the ÚVO	• Use of electronic auction (sale, rental) • Publication of information about the results of competitions • Archive of minutes and results of public business competitions • Availability of Property Management Policy	• Verbal description of items • Rules of budgetary measures • Publication and archive of budgets and ZÚ • Quality of publication of contracts, invoices and orders	• Participation of the public in the session during the allocation of subsidies • Existence of rules for resolving the conflict of interests of members of evaluation commissions • Publication of the decision on the allocation of subsidies/grants, specific criteria/rules for their allocation, list of applicants, evaluation tables, archive of decisions • Published information on allocated subsidies in the exclusive decision-making competence of the mayor
VII. Apartments and social facilities	**VIII. Personnel policy**	**IX. Ethics and conflict of interest**	**X. Territorial planning and construction office**	**XI. General enterprises and investments**	
• Public participation in the meeting of authorities/meetings of local government commissions deciding and discussing the allocation of an apartment • Electronic application for a rental apartment, a place in a social services facility • Number of drawn / allocated apartments • Minutes from committee meetings and basic statistics on apartments in the administration of the municipality • Publication of criteria/rules, list of applicants, list of allocated apartments + their continuous updating • Publication of rules for admitting children to nurseries and kindergartens • Publication of the list, information and rules for obtaining a place in a social service facility	• Number of selection procedures / number of filled positions of heads of departments and clerks • Publication of tender notices (location characteristics, date of publication) • Publication and archive of the minutes of the selection procedure (number, names of applicants, names of committee members, summary evaluation, order of applicants) • Professional biography of the mayor (education, previous jobs, membership in corporate bodies)	• Publication of the code of ethics of elected officials and employees • Publication of the minutes of the meetings of the Ministry of Health and Welfare commission for the protection of the public interest, property declarations of the mayor and members of the Ministry of Health and Welfare • The existence of a specific tool beyond the law for reporting unfair practices • Number of malpractice reports	• The possibility to submit an application in the construction procedure also in electronic form • Electronic register/electronic registration of applications • Publication of the spatial plan • Separate evaluation of public comments on the spatial plan	• Publication of annual reports of commercial companies • Linking the websites of organizations with the self-government website • The share of self-government in individual commercial companies • Publication of professional biographies of company managers (education, past jobs, membership in corporate bodies) • Members of the Council of Ministers as managers or members of the board of directors of municipal commercial companies • Sending minutes of low-value orders established by the school	

Source: Own processing based on Cíbik (2023)

The second research area monitored was economy. Based on selection, we identified a set of 10 partial areas. We proceeded with a similar working scheme as in determining the primary number of points for openness. Each of the analyzed partial economic areas had a predetermined number of points that the examined territorial units could achieve. The key to allocating points in these partial economic areas was the final values in ten areas compared to the average for the entire local territorial level. The higher positive values a specific territorial unit showed, the higher number of points it achieved. The maximum possible number of points that territorial units could obtain in partial economic areas was 10 points, totaling 100 points for all partial economic areas together. We analyzed the level of economic efficiency of places in the following secondary areas:

Tab. 3 Partial economic areas

Total debt	Bank loans and assistance + long-term liabilities - loans from ŠFRB / Current revenues from the previous year
Debt service	Expenditures on principal repayment + interest payments / Current revenues from the previous year
Current account balance	Current revenues - current expenditures / Current revenues
Past due liabilities to revenues	Liabilities past due / Current revenues from the previous year
Liabilities at least 60 days past due	Liabilities unpaid for 60 or more days past due / Current revenues from the previous year
Basic balance	Current revenues + capital revenues - current expenditures - capital expenditures / Population at the beginning of the year
Investment intensity	Capital expenditures - capital revenues / Current revenues
Net assets	Non-current assets + financial accounts - (bank loans and assistance + long-term liabilities - loans from ŠFRB) / Current revenues from the previous year
Immediate liquidity	Financial accounts / Short-term liabilities
Quick liquidity	Inancial accounts + short-term receivables / Short-term liabilities

Source: Own processing based on INEKO (2024)

In these areas, each city, city district, and municipality was assigned a point score based on real results in a specific partial area. The subsequent sum of points for individual areas was converted into a relative indicator capturing the percentage, representing the percentage share of points from the maximum possible number of points for that area.

For both monitored areas, the sum values are the total of partial point ratings, converted into a relative indicator. We further work with these data, and in the case of a maximum positive result, it represents 100%. It holds that the higher values/scores a specific city achieved, the higher its level of openness or economy.
The resulting data illustrate the average values of the examined local territorial units in a specific year. By substituting them into the formula to determine the correlation coefficient, we will find the resulting degree of dependence of economy on openness. The higher positive values we find, the stronger the direct dependence will be, and thus the more openness will affect the economy of regional cities. The partial research task is to monitor the degree of correlation of individual components of openness (11) and determine which ones exhibit the highest direct dependence on economy. At the same time, we have set the task to identify the developmental trend of both variables since 2010 for the entire research set.
Thanks to the establishment of an extensive database and datasets of primary data, we were able to move on to the next point of our research intention with a focus on Slovak cities, city districts, and the largest municipality. From the input data, we were able to identify average values and trends in all 21 partial areas as well as average values and trends of the two main research areas using standard statistical methods. The subsequent analytical work opened up possibilities for identifying long-term developmental trends, comparison between territorially large units of different populations, or evaluation of results by regional affiliation.
To fulfill the stated goal of our research, we had to proceed with the implementation of correlation analysis and monitoring/quantifying the relationship between the overall average values of analyzed cities in the areas of openness and economy. We will interpret the resulting correlation coefficient according to the obtained data, and it can take a value within <-1; 1>. Negative values of the correlation coefficient will indicate an indirect linear dependence of both variables, and positive values a direct linear dependence. The closer the correlation coefficient is to zero, the weaker the mutual dependence the variables will exhibit. Our evaluation of the correlation coefficient will be set as follows:

Tab. 4 Interpretations of the correlation coefficient according to Cohen (1998)

Value of the coefficient Interpretation	**Interpretation**
<from 1 to 0.9> and < from -1 to -0.9>	Very strong correlation
< from 0.9 to 0.7> and < from -0.9 to -0.7>	Strong correlation
< from 0.7 to 0.5> and < from -0.7 to -0.5>	Moderately strong correlation
< from 0.5 to 0.2> and < from -0.5 to -0.2>	Weak correlation
Less than 0.2 and -0.2	Very weak correlation

Source: Own processing

RESULTS

The objective of the presented study is to identify and quantify the impact of openness as one of the determinants affecting the economy of Slovak cities, city districts, and the most populous municipality during the years 2010–2022 based on correlation analysis. The results of the mathematical analysis of economy outcomes since 2010 are captured in the following table.

Tab. 5 Partial indicators of economy (%)

Year / Indicator	Total debt	Debt service	Current account balance	Past due liabilities to revenues	Liabilities at least 60 days past due	Basic balance	Investment intensity	Net assets	Immediate liquidity	Quick liquidity	**Average**
2010	77.1	89.0	39.5	0.0	77.9	27.5	62.3	63.9	57.4	58.9	**55.3**
2012	84.1	87.8	52.3	96.7	74.8	54.6	32.8	67.3	63.0	63.6	**67.7**
2014	86.3	90.1	53.6	98.0	80.9	47.5	43.7	63.4	67.2	66.8	**69.7**
2016	88.5	89.5	68.8	98.7	87.8	70.3	31.0	60.3	85.9	81.6	**76.2**
2018	88.1	90.4	64.0	99.2	92.1	49.4	55.8	54.2	82.8	75.4	**75.1**
2022	84.6	89.5	47.8	98.4	91.2	35.8	55.2	44.3	82.0	74.1	**70.0**
Average	**84.8**	**89.4**	**54.3**	**81.8**	**84.1**	**47.5**	**46.8**	**58.9**	**73.0**	**70.1**	**69.1**

Source: Own processing

At the beginning of observation, the indicator of total debt reached 77.1% of the possible point total. This indicator gradually increased, reaching 88.5% in 2016, then decreased to 84.6% in 2022. The average for the entire period is 84.8%. In 2010, the research sample achieved 89.0% of the maximum possible points designated for debt service. This indicator shows minor fluctuations, with a peak in 2018 (90.4%) and a trough in 2012 (87.8%). The average debt service for the period is 89.4%. The current account balance indicator reached its highest average values in 2016 and then declined to 47.8%, indicating a significant deterioration. Overdue liabilities to revenue show very high average achieved scores, meaning very high percentage values. Since 2014, they have never fallen below 98%, and the average for overdue liabilities to revenue for the period is 81.8%. Liabilities overdue by at least 60 days reached 77.9% of the maximum possible point total in 2010. This indicator consistently increased, reaching 92.1% in 2018. The basic balance indicator gradually increased, reaching 70.3% in 2016, then decreased to 35.8% in 2022. The average basic balance for the period is 47.5%. Lower values of the investment intensity indicator (e.g., 31.0% in 2016) suggest a lower ability of the research sample to invest compared

to maximum possibilities. Higher values (e.g., 62.3% in 2010) indicate higher investment activity. Since 2012, there has been a decrease in the point and percentage average obtained by the research sample in the area of net assets. By 2022, the average percentage of points obtained had decreased by more than 20%. In the immediate liquidity indicator, there has been an increase in the share of points obtained since 2010, stabilizing above 82% since 2016, and on average, the examined cities and municipality achieved 73% of the possible point total. A similar trend is shown in the emergency liquidity indicator, with its resulting average level since 2010 reaching 70.1%. The average values of achieved points in the monitored partial indicators of economic performance from 2010 to 2016 show a constant increase, indicating an increase in economic efficiency and financial stability. The positive trend reversed in the following years, when we recorded a drop in the overall average value of the possible point total of the examined cities and municipality by more than 6%. On average, the examined set of territorial units achieved the highest number of points in the area of debt service, total debt, and in the area of liabilities overdue by at least 60 days. The lowest average number of points were in the areas of basic balance and investment intensity.

Tab. 6 Partial indicators of openness (%)

Year / Indicator	Access to Information	Public Participation in Decision-Making	Public Procurement and Service Provision	Sale and Rental of Property	Budget	Subsidies and Grants	Housing and Social Facilities	Personnel Policy	Ethics and Conflict of Interest	Urban Planning and Building Authority	Municipal Enterprises and Investments	**Average**
2010	68.7	29.5	38.7	17.1	54.3	19.9	33.7	19.5	21.0	60.3	38.3	**39.9**
2012	75.8	38.0	50.0	18.5	81.6	34.8	45.2	11.0	25.2	75.0	46.3	**49.5**
2014	74.2	42.7	50.6	13.6	63.5	32.5	25.9	23.9	23.8	60.5	41.1	**47.4**
2016	74.2	54.7	45.6	13.7	69.7	33.1	26.9	30.0	24.3	63.2	49.4	**51.5**
2018	79.1	61.4	51.0	21.8	77.8	29.1	35.0	34.3	28.0	67.6	50.2	**57.3**
2022	78.8	63.8	65.4	37.6	75.9	40.2	42.5	42.7	41.2	79.7	49.2	**63.2**
Average	**75.1**	**48.3**	**50.2**	**20.4**	**70.5**	**31.6**	**34.9**	**26.9**	**27.3**	**67.7**	**45.8**	**51.5**

Source: Own processing

The indicator of access to information has been increasing from 2010 to 2018, indicating an improving trend in access to information. In 2022, the value slightly decreased but remains at a relatively high level. The average for the period is 75.1%. Similarly, in the case of the indicator of public participation in decision-making, we see an increasing trend from 2010 to 2018, with a significant increase in 2018. The value in 2022 is at its

highest level for the entire period. The average for the period is 48.3%. The partial area of openness titled public procurement and service provision shows relatively stable values for the examined sample, with only minor fluctuations. On average, territorial units achieved 50.2% of the possible point total. In the long term, the asset sales and leasing indicator shows a slight increase in values during 2010–2022, with an average value of 20.4% of the maximum number of points allocated to this area. The highest average values in the budget indicator were found in 2012. It is a relatively volatile variable with variable development. The average value of the subsidies and grants indicator during the years 2010–2022 was at the level of 31.6% of the total possible point total, and during these years, its average value ranged from 19.9% to 40.2%. A similar range is shown by the indicator of housing and social facilities, with an average value for the period of 34.9%. In the secondary area of openness, labeled as personnel policy, we observed relatively scattered partial values ranging from 11.0% to 42.7%. The highest value was reached in 2022. The average for the period is 26.9%. The ethics and conflict of interest indicator for the entire period shows a value of 27.3% of the total allocated points in this area. This indicator shows a constant increase in the average number of points since 2010, with the highest level of 42.7% of the total points found in 2022. The last partial evaluated indicator of openness was municipal enterprises and investments. This indicator ranges from 38.3% to 50.2%, with the highest value achieved in 2018. The average for the period is 45.8% of points. By generalizing the partial findings, we can illustrate the overall trend of openness, which has shown an increasing tendency since 2010. The examined sample of territorial units gradually achieved higher and higher point totals (from 39.9%) up to 2022, when we found the highest average point total. From 2010 to 2022, municipalities had a strong performance (achieving the highest average point total) in the evaluation of access to information and budget. In both indicators, the examined set achieved an average of more than 70% of the possible point total. The lowest values were observed in the area of Sale and Rental of Property, where the examined territorial units achieved an average of only 20.4% of the allocated points.

DISCUSSION

After obtaining the necessary comparative data, we were able to determine and quantify the degree of mutual correlation between the average openness and economy of the selected sample of local territorial units in Slovakia. Average economy values from 2010 to 2022 were used to establish the correlation coefficient for each partial area/indicator of openness as well as to determine the final degree of dependence between the resulting average values of openness and economy. These data are captured in the following table:

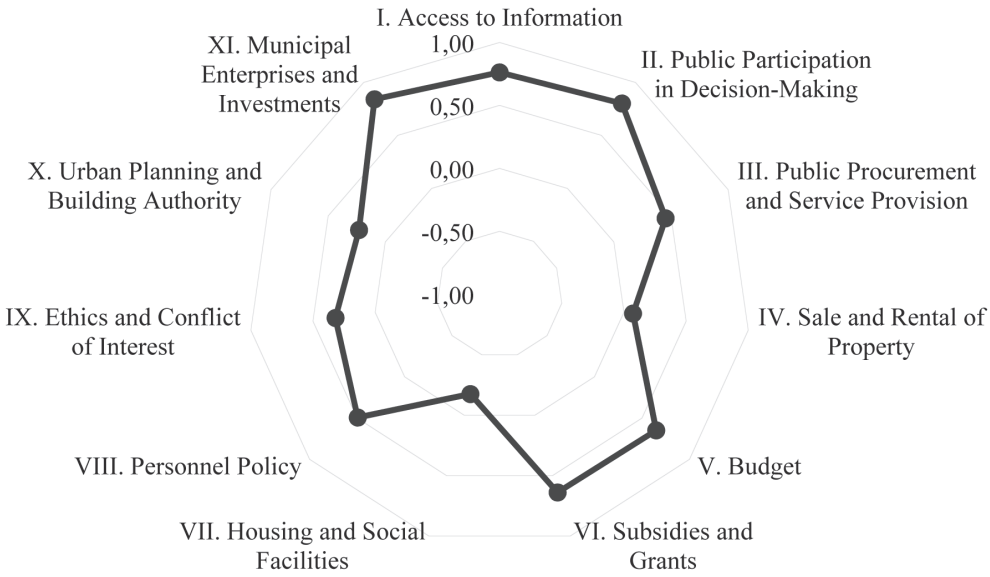
Tab. 7 Correlation coefficient between average economy and openness

Indicator	Access to Information	Public Participation in Decision-Making	Public Procurement and Service Provision	Sale and Rental of Property	Budget	Subsidies and Grants	Housing and Social Facilities	Personnel Policy	Ethics and Conflict of Interest	Urban Planning and Building Authority	Municipal Enterprises and Investments	**Average**
Correlation	0.76	0.80	0.45	0.07	0.65	0.64	-0.17	0.49	0.32	0.23	0.84	**0.46**
Interpretation	Strong	Strong	Weak	Very Weak	Moderate	Moderate	Very Weak	Weak	Weak	Weak	Strong	**Weak**

Source: Own processing

The analysis of the correlation between economy and openness, as well as between their individual partial indicators, offers intriguing insights into the interconnection of these two aspects. Access to information and public participation in decision-making processes exhibit a strong positive correlation with economy. This implies that countries or regions with higher levels of access to information and public participation tend to have higher economic performance. Conversely, property sales and leasing show a very weak positive correlation with economy, suggesting that these factors are only minimally associated with economy. Public procurement and service provision demonstrate a weak correlation, indicating that transparency in these areas may not be directly linked to economy. Budget and subsidies and grants display a moderate positive correlation with economic performance, suggesting that better financial management and transparency in allocating financial resources can support economy. Lastly, municipal enterprises and investments demonstrate a strong positive correlation with economy. This indicates that transparency in the activities of municipal enterprises and investments is closely linked to economic performance. The results of this analysis indicate that certain aspects of openness are closely related to economy, while others may have only minimal impact. For a better understanding of this dynamic, further study of the relationship between economy and openness is crucial, as well as identifying the most effective ways to support economy in various areas.

Graph 1 Correlation coefficient of openness indicators with economy



Source: Own processing

Access to information and public participation in decision-making have a positive correlation with economic outcomes, indicating that local governments with greater transparency and public involvement in decision-making processes are likely to be more effective economically. Public procurement and service provision show weaker ties to economic outcomes, suggesting that transparency and public participation in these activities may not have a significant impact on the economy of local governments. Property sales and leasing are only slightly associated with economic outcomes, suggesting that this aspect likely does not have a substantial influence on the overall economic efficiency of local governments. Budgeting and grant provision have a moderately to strongly positive correlation with economic outcomes. This relationship suggests that transparency and participation in budget planning and monitoring can significantly affect the economy of local governments. Housing and social facilities exhibit only a weak connection with economic outcomes, indicating that transparency and participation in housing and social service provision likely do not have a significant impact on the overall economic efficiency of local governments. Personnel policy and ethics and interests have only a slight connection with economic outcomes, indicating that transparency and principles in these areas likely do not have a significant impact on the economic efficiency of local governments. Urban planning and the building office have a strong positive correlation with economic outcomes. This relationship suggests that transparency and participation in urban development planning and construction may be crucial for the overall economic efficiency of local governments. Municipal enterprises and investments show only a weak connection with

economic outcomes, indicating that transparency and participation in municipal enterprises and investments likely do not have a significant impact on the economic efficiency of local governments.

Analysis of the correlations between indicators of local government openness and economic indicators of local governments reveals interesting relationships. We found that the highest correlations with economy are associated with the indicators of Municipal Enterprises and Investments and Public Participation in Decision-Making. These high correlations (0.84 and 0.80) suggest that transparency and participation in municipal enterprises and investments, as well as public involvement in decision-making processes, may have a positive impact on the economic efficiency of local governments.

On the other hand, the lowest correlation rates were observed for Housing and Social Facilities and Sale and Rental of Property, which exhibit very low correlations (-0.17 and 0.07) with economic outcomes. This means that transparency and participation in the provision of housing and social facilities, as well as in property sales and rentals, do not have a significant impact on the overall economy of local governments.

The average mutual correlation coefficient between openness and economy is 0.46, indicating a weak to moderately strong correlation between these areas. This is a positive correlation coefficient, indicating a positive/direct relationship between these variables. This result suggests that there is a direct connection between the level of openness of local government and economic outcomes, but it is not straightforward, and it does not imply a simple premise that an open and transparent local government performs better economically.

CONCLUSION

The study's conclusions reveal a complex relationship between the openness of local government and the economy of municipalities in Slovakia. These findings have profound implications for the effective management of public resources and the strengthening of democratic processes in towns and communities. Starting with the fact that the highest levels of correlation coefficients of economy are associated with transparency and participation in municipal enterprises and investments, as well as with public participation in decision-making processes. This suggests that local governments actively ensuring transparency and involving citizens in decision-making processes tend to achieve better economic results. This identified positive correlation indicates that citizen participation in decision-making and transparency in financial management can support better outcomes in public finances and economic development.

Conversely, the lowest correlations were found in the provision of housing and social facilities, as well as in the sale and rental of property. This suggests that openness in these areas does not have a significant impact on the overall economy of local governments. These data indicate the need to focus on other aspects of local government management that may have a greater impact on economic outcomes. The average mutual value of correlation coefficients between openness and economy is 0.46, indicating a weak to moderately strong correlation between these areas. This result underscores the existence of a relationship between the level of openness of local government and economic performance, although

it is not straightforward and simple. It shows that open and transparent management can create an environment that supports economic stability and growth in local governments, but on the other hand, it is not a rule.
The reasons are inputs from other variables that affect economy such as the level of management, expertise, and skills of local government representatives, as well as other objective factors such as economic opportunities, potential, and barriers that Slovak municipalities face. As a result of these findings, it is important to further study the relationship between the openness of local government and economy to better understand this dynamics and identify the most effective ways to support economic efficiency in various areas of local government.
This may include strengthening transparency mechanisms, increasing citizen engagement in decision-making processes, and improving the management of public finances. Such steps could lead to the creation of a sustainable and prosperous local environment for residents and businesses.

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References

BENITO-LÓPEZ, B., DEL ROCIO MORENO-ENGUIX, M. and SOLANA-IBAÑEZ, J. Determinants of efficiency in the provision of municipal street-cleaning and refuse collection services. *Waste management*. 2011, vol. 31, no. 6, p. 1099–1108. ISSN 0956-053X.

BOSCH, N., PEDRAJA, F. and SUÁREZ-PANDIELLO, J. Measuring the efficiency of Spanish municipal refuse collection services. *Local Government Studies*. 2000, vol. 26, no. 3, p. 71–90. ISSN 0300-3930.

CÍBIK, L. Is the economy better in open self-government? Case study of Slovak cities. In: PALÚŠ, I. a VYROSTKO, M. (eds.). *Veřejná správa a sociální politika v každodenním životě: 3. ročník. Územní samospráva jako součást demokratického a právního státu: recenzovaný sborník z mezinárodní vědecké konference*. Opava: Slezská univerzita v Opavě, Fakulta veřejných politik v Opavě, 2023, s. 155–166. ISBN 978-80-7510-557-8.

COHEN, J. Set Correlation and Contingency Tables. *Applied Psychological Measurement*. 1988, vol. 12, no. 4, p. 425–434. ISSN 0146-6216.

COULSON, A. and CAMPBELL, A. *Local Government in Central and Eastern Europe*. London: Routledge, 2006. ISBN 978-0-415-41152-3.

ČAVOJEC, J. a SLOBODA, D. *Fiškálna decentralizácia a obce* [online]. Bratislava: Konzervatívny inštitút M. R. Štefánika, 2005. [cit. 5. 5. 2024]. Dostupné z: https://konzervativizmus.sk/wp-content/upload/pdf/fisk_dec.pdf.

FOLTÍKOVÁ, A. a DUBCOVÁ, G. Transparentnosť verejnej správy SR. In: *Veřejná správa 2006*. Pardubice: Univerzita Pardubice, 2006, s. 106–112. ISBN 80-7194-882-9.

INEKO. *Hospodárenie obcí* [online]. Bratislava: Inštitút pre ekonomické a sociálne reformy, 2024. [cit. 5. 5. 2024]. Dostupné z: https://www.hospodarenieobci.sk/.

JAĎUĎOVÁ, L. a REPA, M. Spoločenská zodpovednosť v prostredí verejnej správy a samosprávy. *Trendy v podnikání*. 2011, č. 2, s. 14–21. ISSN 1805-0603.

KALB, A. What determines local governments' cost-efficiency? The case of road maintenance. *Regional Studies*. 2014, vol. 48, no. 9, p. 1483–1498. ISSN 1360-0591.

KLIMOVSKÝ, D. Financovanie obcí v podmienkach Slovenskej republiky. *OBEC & finance*. 2013, č. 5, s. 68–71. ISSN 1211-4189.

KNEŽOVÁ, J. Finančné zdroje obcí v Slovenskej republike v desaťročnej reflexii fiškálnej decentralizácie. *Societas et iurisprudentia*. 2015, roč. 3, č. 3, s. 104–144. ISSN 1339-5467.

KOLOŠTA, S., FLAŠKA, F. and BOLCÁROVÁ, P. Financial autonomy of municipalities in relation to economic performance in regions of the Slovak Republic. In: *Proceedings of 1st International Multidisciplinary Scientific Conference on Social Sciences and Arts SGEM2014*. Sofia: STEF92 Technology, 2014, p. 279–286. ISBN 978-619-7105-22-3.

MARUCHNIČ, J. a ČUNDERLÍK, Ľ. Fiškálna decentralizácia v Slovenskej republike. *Mezinárodní a srovnávací právní revue*. 2005, roč. 5, č. 14, s. 64–72. ISSN 1213-8770.

MINISTERSTVO FINANCIÍ SLOVENSKEJ REPUBLIKY. *DataCentrum* [online]. Bratislava: Ministerstvo financií Slovenskej republiky, 2024. [cit. 5. 5. 2024]. Dostupné z: https://www.datacentrum.sk/domov.

NAM, C. W. and PARSCHE, R. Municipal finance in Poland, the Slovak Republic, the Czech Republic and Hungary: institutional framework and recent development. *MOCT-MOST: Economic Policy in Transitional Economies*. 2001, vol. 11, p. 143–164. ISSN 1573-7063.

NIŽŇANSKÝ, V. *Rekonštrukcia štátu III.: silné mestá silné Slovensko*. Piešťany: Komunálne výskumné a poradenské centrum, 2018. ISBN 978-80-89402-97-7.

NIŽŇANSKÝ, V. *Zlučovanie a spolupráca obcí* [online]. Piešťany: Komunálne výskumné a poradenské centrum, 2014. [cit. 5. 5. 2024]. Dostupné z: https://www.komunal.eu/images/Zlu%C4%8Dovanie_a_spolupr%C3%A1ca_obc%C3%AD.pdf.

NIŽŇANSKÝ, V. a HAMALOVÁ, M. *Decentralizácia a Slovensko*. Bratislava: Vysoká škola ekonómie a manažmentu verejnej správy v Bratislave, 2013. ISBN 978-80-89600-18-2.

NIŽŇANSKÝ, V. a HAMALOVÁ, M. *Spravodlivé rozdelenie politickej moci (rozdelenie kompetencií)* [online]. Bratislava: Vysoká škola ekonómie a manažmentu, 2014. [cit. 5. 5. 2024]. Dostupné z: https://komunal.eu/images/Spravodliv%C3%A9_rozdelenie_kompetenci%C3%AD.pdf.

NIŽŇANSKÝ, V., CIBÁKOVÁ, V. a HAMALOVÁ, M. *Tretia etapa decentralizácie verejnej správy na Slovensku*. Bratislava: Wolters Kluwer, 2014. ISBN 978-80-8168-137-0.

PAVEL, J. and SIČÁKOVÁ-BEBLAVÁ, E. Testing the validity of the Brown-Potoski model in the Czech and Slovak Republics. *Prague Economic Papers*. 2009, vol. 18, no. 4, p. 327–341. ISSN 1210-0455.

PAVEL, J. a SIČÁKOVÁ-BEBLAVÁ, E. Transparency of public procurement market in the Czech Republic and Slovakia. *Ekonomický časopis*. 2008, roč. 56, č. 2, s. 168–181. ISSN 2729-7470.

PIROŠÍK, V. *Verejná kontrola samosprávy*. Bratislava: Transparency International Slovensko, 2006. ISBN 80-89244-11-4.

ŠVANTNEROVÁ, Ľ. a KOŽIAK, R. *Teoreticko-metodologické aspekty skúmania municipálneho majetku*. Banská Bystrica: Univerzita Mateja Bela, Ekonomická fakulta, 2005. ISBN 80-8083-108-4.

TRANSPARENCY INTERNATIONAL SLOVENSKO. *Otvorená samospráva* [online]. Bratislava: Transparency International Slovensko, 2024. [cit. 5. 5. 2024]. Dostupné z: https://samosprava.transparency.sk/.

VLACH, J. a SIČÁKOVÁ-BEBLAVÁ, E. *Transparentná miestna samospráva*. Bratislava: Transparency International Slovensko, 2004. ISBN 80-89041-80-9.

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ČESKÁ MENŠINA NA UKRAJINĚ VE SVĚTLE STATISTIKY (1897–1939)

CZECH MINORITY IN UKRAINE IN THE LIGHT OF STATISTIC (1897–1939)

Daniel Vymětalík[1]

Abstrakt

Předložená studie se zabývá demografickým vývojem české menšiny na Ukrajině. Studie zachycuje vývoj a změny v počtu a územním rozmístění české menšiny na území ruské a posléze sovětské Ukrajiny, chronologicky od prvního sčítání na území Ruského impéria v roce 1897 až po poslední sovětské sčítání v meziválečném období. Pro dosažení stanoveného cíle vychází z rozboru jednotlivých sčítání lidu.

Klíčová slova

česká menšina, gubernie, sčítání obyvatel, okruh

Abstract

Submitted study deals with the demographic development of Czech minority in Ukraine. The study intercepts development and changes in numbers and territorial concentration of Czech minority in Russian and later in soviet Ukraine, chronologically since the first population census in Russian Empire in 1897 until the last soviet census in the interwar period in year 1939. To achieve set goals the study analyses the individual population censuses.

Keywords

Czech minority, governorate, population census, district

1 Filozoficko-přírodovědecká fakulta v Opavě, Slezská univerzita v Opavě

1. ÚVOD

Českou menšinou na Ukrajině označujeme různorodou skupinu českých vystěhovalců a jejich potomků. Ti se usazovali od 60. let 19. století převážně na území Volyňské gubernie. Usazovali se také v Kyjevské gubernii a na Krymu. Další skupinu představuje vystěhovalectví kvalifikovaných odborníků a technické inteligence, kteří přicházeli do velkých měst od konce 19. století. Na přelomu 19. a 20. století vznikaly české osady i na území Chersonské gubernie, a to emigrací potomků náboženských exulantů z doby pobělohorské, přicházejících z polského Zelowa, a také sekundární migrací Čechů již na Ukrajině usazených. Nakonec českou komunitu na Ukrajině rozšířili váleční zajatci rakousko-uherské armády české národnosti, kteří se rozhodli během pobytu v zajateckých táborech na Ukrajině usadit mezi českými krajany.

Cílem předkládané studie je zachytit vývoj a změny v počtu, územním rozmístění a základní charakteristiku české komunity na Ukrajině od konce 19. století až do roku 1939, a to prostřednictvím rozboru výsledků jednotlivých sčítání lidu.

Při hodnocení počtu, vývoje a rozmístění české menšiny se práce potýkala se dvěma metodickými problémy. Území Ukrajiny ve zkoumaném období, jakožto součást Ruského impéria, nebylo přesně vymezeno. S ohledem na směry tehdejšího českého vystěhovalectví do Ruského impéria byly do práce zahrnuty téměř všechny oblasti dnešní Ukrajiny, respektive tehdejší gubernie. Vyloučena byla pouze západní Ukrajina[2], která až do let 1939–1945 nebyla součástí Ruska ani SSSR. Naopak byl zahrnut částečně Krym jako jedno z center početného českého vystěhovalectví. Ten byl součástí Tauridské gubernie a její severní újezdy[3] se nacházely v pevninské části Ukrajiny. V důsledku správních reforem v letech 1919–1920 se staly součástí pevninských gubernií Ukrajiny, posléze okruhů. Krymský poloostrov však zůstával součástí RSFSR a v roce 1954 byl předán Ukrajině. Další problém představovalo rozdílné správní členění Ukrajiny před první světovou válkou a jeho proměny ve 20. a 30. letech, zrušení starých gubernií a jejich nahrazení okruhy, posléze oblastmi. Pro zachycení české menšiny v podmínkách nového správního členění byly sečteny počty české menšiny v jednotlivých okruzích, které vznikly na území bývalých gubernií, a ty byly porovnávány s výsledky v bývalých guberniích.

Problematiku ruských a posléze sovětských sčítání obyvatel zpracovali ruští i západní odborníci. Již na počátku 50. let P. Galin poukázal na fungování sovětské statistiky na případu sčítání z let 1937–1939 (Galin, 1951). Přípravu a způsob provedení prvního oficiálního sovětského sčítání v roce 1926 včetně charakteristiky předchozích sčítání zachytil Nikolaj Vorobjev (Vorobjev, 1957). V širší časové perspektivě tuto záležitost od sčítání v roce 1897 až po sčítání v roce 1979 také zpracoval Lee Schwartz (Schwartz, 1986, s. 48–69).

Politické změny na přelomu 80. a 90. let umožnily sovětským, respektive ruským demografům i historikům výzkum dosud utajovaného sčítání z roku 1937 a s ním souvisejícího sčítání v roce 1939. Již na konci 80. let vznikly studie Marca Tolce (Tolc, 1989, s. 56–61) a Alexandra Caplina (Caplin, 1989, s. 175–181). O něco později na problematičnost těchto sčítání poukázali Jevgenij Andrejev, Leonid Dárský a Taťjána Charková (Andrejev et al., 1993, s. 23–35) v knize o demografickém vývoji Sovětského svazu od roku 1922 až do jeho rozpadu. Podrobný

2 Tímto územím se myslí Halič, Zakarpatí, Bukovina a částečně Besarábie, kterou v březnu 1918 anektovalo Rumunsko, jehož součástí zůstala až do roku 1940.

3 Jde o Dněprovský, Berďanský a Melitopolský újezd.

rozbor sčítání z roku 1937 provedli Igor Kiselev, Jurij Polajkov a Valentina Žiromskaja, která mimo jiné zpracovala v samostatné studii návaznost, respektive podobnosti a odlišnosti sčítání z let 1926, 1937 a 1939, posléze poukázala na falzifikace ve sčítání v roce 1939 v podobě tzv. pripisok (Žiromskaja et al., 1996; Žiromskaja, 1990, s. 84–102; Žiromskaja, 1992, s. 4–10). Problematiku tzv. pripisok v roce 1939 znovu rozpracoval ve svém internetovém článku Dmitrij Bogojavlenskij (Bogojavlenskij, 2013), stručnou charakteristiku sovětských sčítání obyvatel ve 20. a 30. letech v rámci regionu centrálního Černozemí podal ve své studii E. Sukmanov (Sukmanov, 2013) a nový pohled na sčítání v roce 1939 představil Sergej Maksudov (Maksudov, 2014, s. 307–332). Ze současné západní produkce uveďme alespoň kapitolu v sedmém díle publikace věnované vývoji SSSR v letech 1937–1939 (Davies et al., 2018, s. 129–153). Většina prací tak věnovala primární pozornost sčítáním z let 1937–1939 a chybí tak výraznější revize sčítání z let 1920–1926. Přitom všichni uvedení autoři s výjimkou S. Maksudova zpochybňují nebo alespoň mají kritické námitky vůči výsledkům těchto sčítání.

Údaje k počtu a rozmístění české menšiny můžeme čerpat z jednotlivých publikovaných výsledků sčítání. První a současně jediné sčítání v Ruském impériu proběhlo v roce 1897. Dané sčítání však nepoužívalo národnost, ale rodný jazyk, a tak určujeme národnost na základě rodného jazyka. Tento fakt sice není výjimkou, protože i v jiných zemích se v té době používala například obcovací řeč. Na druhou stranu v podmínkách pokračující rusifikace jednotlivých národností může být zčásti nespolehlivé odvozovat tímto způsobem národnost.

Další sčítání proběhlo až v roce 1920. Toto sčítání již používalo národnost. Probíhalo však v době občanské války a zahraniční intervence, proto nepodchytilo celé území Ukrajiny. Kromě Volyňské a Podolské gubernie, které byly zasaženy probíhající polsko-sovětskou válkou, nezahrnuje ani výsledky národnostního složení nově vzniklé Záporožské gubernie, kde se odehrávaly boje mezi bělogvardějci a bolševiky a rolnická povstání. Nejvíce Čechů žilo právě na území Volyňské gubernie, z tohoto důvodu jsou jeho výsledky neúplné a nepřesné.

První oficiální sčítání v Sovětském svazu proběhlo v prosinci 1926. Stejně jako sčítání v roce 1920 i toto používá národnost, ale i rodný jazyk. Neuvádí však samotnou českou národnost a do jedné národnostní skupiny tak řadí Čechy a Slováky. V porovnání s předchozími sčítáními probíhalo v době politiky tzv. korenizace, kdy sovětská vláda cíleně podporovala jednotlivé neruské národy ve snaze o jejich jednodušší sovětizaci. Atmosféra pro uvedení své národnosti byla proto mnohem příznivější. Dalším nedostatkem tohoto sčítání je skutečnost, že zachycuje údaje o populaci jen na úrovni okruhů a rajonů, nikoliv již na úrovni venkovských národnostních rad. Navíc s ohledem na nepočetnost české minority na Ukrajině a zvláště na východě neuvádí českou národnost v případě rajonů tehdejší Doněcké, Charkovské, Poltavské a částečně Černigovské gubernie. Daný problém lze sice vyřešit díky statistice venkovského obyvatelstva, která byla vydána v roce 1927[4], česká menšina v této části ale žila převážně ve městech.

Za problematická lze považovat sčítání z let 1937 a 1939. Sčítání v roce 1937 neposkytlo plánované výsledky, co se týče počtu obyvatel, protože kolektivizace zemědělství a represe na počátku 30. let si vyžádaly značné oběti. Bylo prohlášeno za neplatné, jeho výsledky

4 Viz Nacionalnyj sklad silskoho naselennja Ukrajiny (za nacionalnisťju hospodariv). Poperedni pidsumky Vsesojuznoho perepisu naselennja 1926 r. Tom 1. Vyp. 1. Charkiv, 1927.

byly na dlouho utajeny a organizátoři perzekvováni. Nové sčítání bylo provedeno v lednu 1939. Za pomoci falzifikací a jiných úprav již poskytlo alespoň částečně uspokojivé výsledky. Dané sčítání zahrnuje pojem národnost, v tomto případě českou národnost v samostatné skupině, a jeho výsledky jsou dostupné v online verzi demografického žurnálu demoscop.

2. ROZBOR JEDNOTLIVÝCH SČÍTÁNÍ A REKONSTRUKCE VÝVOJE, POČTU A ROZMÍSTĚNÍ ČESKÉ MENŠINY NA UKRAJINĚ

Jak ukazuje první sčítání, Češi byli nepočetnou menšinou. V žádné z gubernií netvořili ani jedno procento populace. Současně šlo o koncentrovanou menšinu. Z celkového počtu 36 681 ukrajinských Čechů tři čtvrtiny ukrajinských Čechů žily na území Volyňské gubernie. Podle sčítání v roce 1897 zde uvedlo rodným jazykem český jazyk 27 670 osob a tím se de facto přihlásily k české národnosti. Protože šlo primárně o zemědělskou migraci do této gubernie, žilo ve městech (v gorodach) jen 962 osob, což představuje pouhá 3,5 procenta Volyňských Čechů. Zbylých 26 708 tak připadá na venkovskou populaci (v ujezdach bez gorodov) (Pervaja vseobščaja perepis, t. 8, 1904, s. 86). Ve zbytku gubernií Češi představovali v celkovém počtu Čechů jen zlomky procent. Dalším ostrůvkem českého osídlení byla Kyjevská gubernie, kde uvedlo rodným jazykem český jazyk 3 294 osob, tedy devět procent z celkového počtu ukrajinských Čechů. Navzdory početnějšímu městskému vystěhovalectví do Kyjevské gubernie většina Čechů žila na venkově, a to v počtu 2 211 osob. Počet Čechů v gorodach však nebyl marginální, 1 083 osob, tj. téměř třetina Čechů dané gubernie. Ve skutečnosti absolutní většina těchto Čechů v počtu 945 osob žila v Kyjevě (Pervaja vseobščaja perepis, t. 16, 1904, s. 88). Třetí místo připadlo Tauridské gubernii, v níž uvedlo rodným jazykem český jazyk 1 962 osob, z toho jen 223 osob, a tedy 11,4 procenta populace, žilo ve městech, zbylých 1 739 žilo na venkově. Přitom v pevninské části gubernie bylo zaznamenáno 788 Čechů, na Krymu 1 174 (Pervaja vseobščaja perepis, t. 41, 1904, s. 94). Větší počet Čechů byl zjištěn ještě v Chersonské gubernii, kde uvedlo český jazyk jako rodný jazyk 1 351 osob. V porovnání s výše uvedenými guberniemi však více než polovina Čechů, 709 osob, žila ve městech. Stejně jako v případě Kyjevské gubernie byla většina koncentrována do jednoho města, Oděsy, v počtu 616 osob (Pervaja vseobščaja perepis, t. 47, 1904, s. 90), ačkoliv centrem gubernie byl Cherson. Ve zbývajících ukrajinských guberniích již počet Čechů nepřesáhl 1 000. V Podolské gubernii na základě uvedeného rodného jazyka Češi čítali 886 osob. Z tohoto počtu jen 163 osob, tedy 18 procent podolských Čechů, žilo ve městech a 723 na venkově (Pervaja vseobščaja perepis, t. 32, 1904, s. 98). V Besarábské gubernii žilo 482 Čechů, ve městech 176 a na venkově 306 (Pervaja vseobščaja perepis, t. 3, 1905, s. 70). Na území Katěrinoslavské gubernie Češi tvořili 450 osob, z hlediska charakteristiky osídlení žilo 185 osob ve městech a 265 na venkově (Pervaja vseobščaja perepis, t. 13, 1904, s. 74). V Charkovské gubernii považovalo 221 osob český jazyk za svůj rodný jazyk. Zde Češi tvořili většinově městskou populaci, 142 osob, tedy téměř dvě třetiny, žilo v gorodach, z toho 96 osob v Charkově a 79 v ujezdach bez gorodov (Pervaja vseobščaja perepis, t. 46, 1904, s. 102). Nejméně Čechů pak žilo na území levobřežní Ukrajiny, tedy v Černigovské a Poltavské gubernii, a to v počtu 209 a 156 osob. Pokud jde o Poltavskou gubernii, také zde byli Češi většinově usazeni ve městech, v počtu 84 osob (Pervaja vseobščaja perepis, t. 33, 1904, s. 100).

V Černigovské gubernii však městská populace představovala jen významné procento usedlíků, nikoliv většinu. Pouze 87 osob bylo zaznamenáno ve městech, což je z počtu 209 osob 41, 62 procent, ostatní osoby žily na venkově (Pervaja vseobščaja perepis, t. 48, 1905, s. 112).

Jak sčítání ukazuje, česká menšina tvořila tedy venkovskou populaci. Na venkově žilo celkem 32 867 osob, ve městech jich žilo 3 814. Většinově městskou populaci tvořily osoby v Chersonské, Charkovské a Poltavské gubernii.

Při posuzování těchto výsledků je ale nutno zdůraznit, že odpověď na otázku rodného jazyka se nemusela shodovat s odpovědí na otázku národnosti, zvláště v podmínkách rusifikace. Češi, ve srovnání s Poláky či jinými národy, obývající západní část impéria se však nestali součástí Ruska v důsledku jeho územní expanze, ale dobrovolnou, mnohdy i ruskými úřady podporovanou emigrací. Z toho důvodu Češi nevytvářeli žádné hnutí za nezávislost a nepředstavovali takovou hrozbu pro integritu říše jako Poláci či Ukrajinci. Předpokládalo se, že se postupně sami začlení do ruské společnosti, a proto se carské úřady stavěly k Čechům víceméně neutrálně. Na druhou stranu diskriminace a omezení se přesto nějakým způsobem dotkly i Čechů. To se týká zvláště pravobřežní Ukrajiny, tedy Volyňské a části Kyjevské gubernie. V letech 1884–1891 byla přijata řada opatření, která rušila dosavadní privilegia, jež byla udělována zahraničním kolonistům při osidlování těchto území. Podle carského dekretu z roku 1884 Češi nesměli nakupovat půdu na Volyni, o čtyři roky později byli zahraniční kolonisté zrovnoprávněni s domácím obyvatelstvem. V roce 1891 byly zrušeny české volosti, bylo provedeno nové dělení újezdů a na každých 100 jardů zahraničních kolonistů byl přidělen policejní úředník, na každých 1 000 pak soudní úředník. Výdaje spojené s činností těchto úředníků přitom museli hradit kolonisté (Poliščuk, 2012, s. 195–196). Za této situace se můžeme domnívat, že část z nich se dobrovolně asimilovala, hledajíc výhody spojené s asimilací.

Nepřesnosti či neúplnosti výsledků mohou být způsobené také několika dalšími faktory. Některé české vesnice totiž vznikly až po sčítání v roce 1897 či jejich formování trvalo až do první světové války. To se týká primárně Chersonské gubernie. Řada Čechů si ponechala staré rakousko-uherské občanství, a tak byli vedeni ve sčítání jako cizinci bez uvedení národnosti. Počet Čechů, s ohledem na tyto okolnosti, bude zřejmě vyšší.

Další sčítání v Ruském impériu mělo proběhnout v roce 1910, z byrokratických důvodů bylo odloženo na rok 1915 a vypuknutí války jej odložilo navždy (Schwartz, 1986, s. 52). Je ale zřejmé, že za následujících 17 let se počet Čechů zvýšil s ohledem na pokračující emigraci a zůstává jen otázka, jak tato změna ovlivnila pořadí gubernií a poměr městského a venkovského obyvatelstva. Další údaje o populaci proto čerpáme z prvního sovětského sčítání lidu, které proběhlo v srpnu 1920.

V roce 1920 došlo k výraznému poklesu počtu české menšiny, z původních 36 681 se počet Čechů snížil na 7 104. Je však evidentní, že Čechů bylo více, neboť dané sčítání nezachytilo Volyňskou a Podolskou gubernii, kde probíhaly boje polsko-sovětské války.

Rozbor výsledků na úrovni jednotlivých gubernií přitom naznačuje, že došlo spíše k nárůstu a ten pokles, který vidíme, byl způsoben nezahrnutím Volyňské, Podolské a Záporožské gubernie. Vzhledem k tomu, že nebyla zachycena Volyňská gubernie, v níž žila většina ukrajinských Čechů, bylo nejvíce Čechů zaevidováno v Kyjevské gubernii. Zde pozorujeme mírný nárůst Čechů na 3 512 osob oproti předchozímu sčítání. Dvojnásobný vzrůst počtu

Čechů byl zaznamenán v Charkovské gubernii, kde bylo podle daného sčítání zaevidováno celkem 445 osob české národnosti (Naselenije Ukrajiny, 1922, s. 21, 23).
Správní reformy prováděné sovětskou vládou v letech 1919–1920 měly zásadní dopad na koncentraci české menšiny převážně na jihovýchodě Ukrajiny. V Katěrinoslavské gubernii zůstalo ze 450 Čechů jen 189 osob české národnosti (Naselenije Ukrajiny, 1922, s. 21). Daný pokles však souvisí se vznikem Doněcké gubernie vyčleněním Bachmutského (130 osob), Mariuopolského (21 osob) a Slavjanoserbského újezdu (25 osob)[5] z Katěrinoslavské gubernie (Dmitrijenko, 2004, s. 48–49). V ní se k české národnosti podle tohoto sčítání přihlásilo celkem 719 osob (Naselenije Ukrajiny, 1922, s. 20). Počet Čechů v Doněcké gubernii tak alespoň zčásti naznačuje, že v letech 1897–1914 jejich počet v Katěrinoslavské gubernii pravděpodobně vzrostl. Kromě toho vyčleněním Oleksandrivského újezdu z Katěrinoslavské gubernie a severních újezdů Tauridské gubernie vznikla v roce 1920 Oleksandrivská gubernie, jejíž název byl od roku 1921 Záporožská gubernie (Dmitrijenko, 2004, s. 50–51). Vznik této gubernie však nepřispěl k poklesu české populace v Katěrinoslavské gubernii, protože v Oleksandrivském újezdu bylo v r. 1897 zaevidováno nepatrné číslo, jen 29 Čechů. Bohužel ani v rámci Záporožské gubernie neproběhlo sčítání. Přitom se zde nacházela česká kolonie Čechohrad, proto lze očekávat, že určitý počet Čechů bude rovněž zde.
Také na jihu Ukrajiny pozorujeme jisté zvýšení počtu české menšiny. Již v roce 1919 sovětská vláda na Ukrajině rozdělila Chersonskou gubernii na Oděskou a Chersonskou, respektive od roku 1920 Mykolajivskou (Dmitrijenko, 2004, s. 43, 45–46). Přitom většina Čechů bývalé Chersonské gubernie žila na území Oděské gubernie. Dané sčítání zde zaevidovalo celkem 1 430 Čechů, v Mykolajivské gubernii 406 Čechů (Naselenije Ukrajiny, 1922, s. 22), to znamená 1 836 Čechů v rámci bývalé Chersonské gubernie. V případě bývalé Chersonské gubernie je tedy zřejmé, že došlo k nárůstu české populace.
Naopak k poklesu české menšiny došlo v Černigovské gubernii, kde se přihlásilo k české národnosti jen 146 osob. Drobný pokles pozorujeme i u Poltavské gubernie, z původních 156 osob na 138 (Naselenije Ukrajiny, 1922, s. 23), ovšem toto nevýznamné číslo je třeba posuzovat v kontextu vzniku Kremenčucké gubernie, jejíž území tvořila část Poltavské, Kyjevské a v menší míře Chersonské gubernie. V době tohoto sčítání žilo v Kremenčucké gubernii 119 Čechů (Naselenije Ukrajiny, 1922, s. 21; Dmitrijenko, 2004, s. 51).
Také na Krymu došlo k navýšení počtu Čechů. Oproti počtu 1 174 Čechů žijících na Krymu v roce 1897 bylo na území poloostrova v roce 1921 napočítáno celkem 1 413 osob (Predvaritělnyje itogi perepisi, 1922, s. 8–11).
Výsledky v jednotlivých guberniích tak potvrzují, že se částečně zvýšil počet české národnosti na Ukrajině a zůstává jen otázkou, jaký výsledek by dalo zahrnutí třech výše uvedených gubernií. Vyšší počet Čechů v bývalé Chersonské gubernii odpovídá jejímu osidlování českými kolonisty i po roce 1897. Nemalý podíl mohla sehrát také skutečnost, že na začátku 20. let se mnoho Čechů ocitlo na jihu Ukrajiny. Mezi nimi byli váleční zajatci rakousko-uherské armády, z nich někteří pobývali v Oděse. Po etablování sovětské moci na Ukrajině se zde hodlali usadit a později dokonce získat sovětské občanství (Volkova, 2006, s. 127). V případě Kyjevské a Charkovské gubernie můžeme nárůst odůvodnit pokračujícím, tzv. městským vystěhovalectvím po roce 1897.

5 Daná čísla pochází ze sčítání z roku 1897 za Katěrinoslavskou gubernii (Pervaja vseobščaja perepis, t. 13, 1904, s. 74).

Další sčítání, tentokrát všesvazové, proběhlo v prosinci 1926. Dané sčítání již zachytilo celé území tehdejší Ukrajiny. Probíhalo však v rámci nového administrativního dělení země, když staré guberniální rozdělení nahradil v roce 1925 nový správní systém. Namísto gubernií vzniklo 40 okruhů, které se dále členily na rajony. Současně došlo ke změnám v národnostní politice. Původní rusifikační národnostní politika byla nahrazena tzv. politikou korenizace,[6] která probíhala v sovětských republikách od roku 1923 ve snaze zajistit sovětské vládě podporu národnostních menšin. Tato tolerantní národnostní politika umožňovala jednotlivým menšinám včetně české vytěžit maximum z této politiky pro svůj národnostní rozvoj. I přes tuto tolerantní národnostní politiku se však česká menšina nevyhnula nějakému útlaku. Ten však nebyl způsoben národnostní diskriminací, ale hledáme ho v ekonomické oblasti. Česká menšina totiž patřila k zámožnější rolnické třídě a tento ekonomický status se stal příčinou represí (Auerhan, 1935, s. 42).

Porovnáním výsledků všesvazového sčítání s výsledky sčítání z roku 1897 vidíme, že na Ukrajině se snížila česká populace o více než polovinu, z 36 681 na 16 091. Srovnáním počtu české menšiny na území Ukrajiny s celosvazovými čísly[7] ale zjišťujeme, že i nadále více než polovinu ruských, respektive sovětských Čechů představovali Češi žijící na Ukrajině.

K největšímu poklesu došlo na území bývalé Volyňské gubernie, která byla nahrazena třemi okruhy (Sagač, 2010, s. 174). Rozdělení této gubernie na základě Rižského míru v březnu 1921 znamenalo, že újezdy s početnějšími českými komunitami, s výjimkou Žitomirského, připadly Polsku.[8] Z původních 27 670 Čechů tak v roce 1926 zůstalo 7 466, z nich pro 7 008 byl český nebo slovenský jazyk rodným jazykem. Přitom drtivá většina zdejších krajanů patřila k venkovské populaci. Z celkového počtu žilo na venkově 6 749 osob, zatímco ve městech žilo 717 Čechů, z toho 269 v Žitomiru. 5 340 krajanů bylo gramotných (71,5 %) a z nich 3 788 četlo a psalo česky nebo slovensky. Na úrovni jednotlivých okruhů bylo zaznamenáno nejvíce osob české národnosti ve Volyňském okruhu (3 704 osob), dále v Korosteňském okruhu (2 041 osob) a 1 721 Čechů žilo v Šepetovském okruhu. I přes tento pokles tak nadále nejvíce Čechů žilo právě zde (Vsesojuznyj perepys ljudnosti, Tom XI, 1929, s. 76–79, 84–86; Vsesojuznaja perepis naselenija, Tom XII, 1929, s. 42–44).

Sečtením pěti okruhů vzniklých na území Kyjevské gubernie zjišťujeme, že nárůst české populace pokračoval i ve 20. letech. Podle tohoto sčítání zde žilo celkem 4 280 Čechů podle národnosti a 3 458 podle jazyka. Z toho většina žila jen na území dvou okruhů, Berdičevského (1 835 osob) a Kyjevského (2 106), v ostatních okruzích byl jejich počet rozdělen následovně: v Čerkasském 130, v Bělocerkovském 113 a v Umanském okruhu 96. Podle statistiky venkovská populace (2 893) nadále převyšovala městskou populaci (1 387 osob), snížil se ale počet kyjevských Čechů (990) na celkové městské populaci někdejší Kyjevské gubernie. Z celkového počtu bylo 3 213 gramotných (75 %), ale jen

6 Korenizace v praxi znamenala vytváření národnostních území, řízené elitou, rekrutovanou z místních národností, právo na vzdělání ve svém rodném jazyce v daných územních jednotkách, existenci různých kulturních institucí a uplatňování menšinových jazyků v místní administrativě (Martin, 2011, s. 21–25; Magočij, 2017, s. 561–562). Česká menšina v rámci této menšinové politiky měla 13 národnostních rad a 19 škol, převážně na Volyni (Vaculík, 1998, s. 90, 93).

7 Podle sčítání v roce 1926 žilo v celém Sovětském svazu 27 100 Čechů, srov. (Vaculík, 1998, s. 81).

8 Polsku připadly Dubenský, Lucký a téměř celý Rovenský újezd, naopak sovětské Ukrajině zůstalo kromě celého Žitomirského újezdu 97 procent Novohrad Volyňského, 90 procent Ovručského, 53 procent Ostrožského, 7 procent Křemeneckého a 1 procento Rovenského újezdu srov. Týž, s. 81.

1 923 umělo číst a psát česky či slovensky (Vsesojuznaja perepis naselenija, Tom XII, 1929, s. 13–19, 25–30, 37–42; Sagač, 2010, s. 174).
Češi obývající bývalou Oděskou gubernii byli v době tohoto sčítání rozptýleni napříč územím pěti okruhů, Oděského (446 osob), Pervomájského (430 osob), Chersonského (187 osob) a v menším počtu žili i v Mykolajivském a Zinovjevském okruhu v počtu 64 a 70 osob. Souhrnně se jedná o 1 197 osob, z toho 927 uvedlo český či slovenský jazyk rodným jazykem. Zdejší krajané žili převážně na venkově (820 osob), z celkového počtu městské populace (377 osob) žila více než polovina v Oděse (261 osob). Většina Čechů byla gramotných (908 osob, 75,9 %) a 519 osob umělo číst a psát v českém nebo slovenském jazyce (Vsesojuznaja perepis naselenija, Tom XIII, 1929, s. 12–15, 22–33, 35–39; Sagač, 2010, s. 174).
Specifickou situaci představuje Katěrinoslavská gubernie. Ta zaznamenala nárůst počtu českého obyvatelstva na 1 135, z nich 929 uvedlo češtinu nebo slovenštinu rodným jazykem. Dané číslo je ale zavádějící, protože v roce 1923 byly připojeny újezdy již zrušené Záporožské gubernie ke Katěrinoslavské gubernii. Ve skutečnosti ke zvýšení počtu českého obyvatelstva přispěl Melitopolský újezd, respektive okruh, v němž v roce 1926 žilo 829 Čechů. Pokud jde o další okruhy, 177 Čechů žilo v Katěrinoslavském okruhu a ve zbývajících okruzích Češi tvořili jen několik desítek osob, v Záporožském čítali 72 osob a v Krivorožském 57 osob. Více než tři čtvrtiny žily na venkově, konkrétně 898 osob, zbývajících 237 žilo ve městech. Z hlediska gramotnosti umělo číst a psát 870 osob (76,7 %), z toho 709 česky nebo slovensky (Vsesojuznaja perepis naselenija, Tom XIII, 1929, s. 19–22, 247–256; Sagač, 2010, s. 174).
V okruzích bývalé Podolské gubernie bylo zjištěno celkem 603 Čechů podle národnosti a 385 podle rodného jazyka. Ti byli podle jednotlivých okruhů rozmístěni následovně: Vinický 314 osob, Tulčinský 112 osob, Proskurovský 89, Mohilevský 50 a Kamenecký okruh 38 osob. Také zde žilo více Čechů na venkově (343 osob), nezanedbatelný počet Čechů pobýval také ve městech (260), z nich na Vinici připadá 49 osob. Z 511 gramotných (84,7 %) více než polovina, tedy 288, psalo a četlo česky nebo slovensky (Vsesojuznaja perepis naselenija, Tom XII, 1929, s. 19–25, 30–37; Sagač, 2010, s. 174).
Méně početnou komunitu vytvářela česká menšina na východě Ukrajiny. Na území někdejší Doněcké gubernie se počet Čechů snížil na 492, přičemž pro 282 osob byla čeština nebo slovenština rodným jazykem. Z toho nejvíce Čechů bylo v Artemivském okruhu v počtu 243 osob, v Luhanském okruhu bylo 95 osob české národnosti, ve Stalinském okruhu bylo 79 osob české národnosti, v Mariupolském okruhu 60 a v Starobielském okruhu podle daného sčítání žilo 15 osob české národnosti. V porovnání s komunitou Volyňských či jihoukrajinských Čechů většina zdejších krajanů žila ve městech (425 osob), zatímco zbývajících 67 na venkově. Také v oblasti gramotnosti pozorujeme procentuálně vyšší podíl gramotných Čechů než u výše zmíněných gubernií. Zde bylo 398 gramotných (80,9 %) a 224 psalo a četlo česky či slovensky (Vsesojuznaja perepis naselenija, Tom XIII, 1929, s. 16–19, 33–35, 340–353; Sagač, 2010, s. 174).
Také v rámci bývalé Charkovské gubernie došlo ve 20. letech k poklesu české populace na 296 osob, pro 162 z nich zůstávala čeština nebo slovenština rodným jazykem. Z tohoto počtu žilo 214 Čechů, a tedy více než dvě třetiny, v Charkovském okruhu, zbývajících 82 osob české národnosti bylo rozděleno následovně: Sumský okruh 54 osob, Kupjanský okruh 15 osob a Izjumský okruh 13 osob. Také v tomto případě většina (227) zdejších krajanů

žila ve městech, z toho 145 v Charkově a 69 na venkově. Statistika rovněž potvrzuje vyšší úroveň gramotnosti. V rámci těchto okruhů bylo 266 Čechů gramotných (89,9 %) a z nich 160 osob psalo a četlo česky či slovensky (Vsesojuznaja perepis naselenija, Tom XII, 1929, s. 286–288, 291–293, 306–313; Sagač, 2010, s. 174).

Nejméně Čechů bylo zjištěno opět v rámci bývalé Poltavské a Černigovské gubernie, přičemž nebyly zaznamenány výrazné rozdíly oproti předchozímu sčítání. V okruzích, které nahradily Poltavskou gubernii, se počty osob české národnosti pohybovaly jen v několika desítkách. Celkově bylo napočítáno 168 Čechů podle národnosti a 83 podle jazyka, z toho pouze v Poltavském okruhu můžeme hovořit o mírně početnější komunitě v počtu 71 osob, jinak v ostatních okruzích počet osob deklarující českou národnost nepřesáhl 30, například v Kremenčuckém okruhu uvedlo 28 osob českou národnost, v Lubenském okruhu 24, v Priluckém 20 a v Romenském okruhu 25. Ještě hůře je na tom Černigovská gubernie. V ní bylo napočítáno jen 132 osob, které deklarovaly českou národnost a 78 češtinu či slovenštinu za mateřský jazyk, přitom podle sčítání byli Češi v rámci okruhů rozděleni následovně: v Nižinském okruhu 49 Čechů, v Konotopském 41 Čechů, v Černigovském 25 Čechů a v Hluchivském okruhu 17 osob české národnosti. Na druhou stranu v obou guberniích pozorujeme vyrovnaný poměr mezi venkovskou a městskou populací, v případě Černigovské gubernie žilo 68 Čechů ve městech a 64 na venkově, 85 a 83 v případě Poltavské gubernie. Vedle toho statistika vykazuje procentuálně nejvyšší podíl gramotných krajanů. V Poltavské gubernii bylo 151 krajanů gramotných (89,9 %), z toho 81 psalo a četlo jazykem své národnosti, v Černigovské gubernii bylo 120 krajanů gramotných (90,9 %) a 61 z nich četlo a psalo česky nebo slovensky (Vsesojuznaja perepis naselenija, Tom XII, 1929, s. 288–291, 293–295, 298–306; Vsesojuznaja perepis naselenija, Tom XII, 1929, s. 295–297; Vsesojuznyj perepys ljudnosti, Tom XI, 1929, s. 79–84, 87–88; Sagač, 2010, s. 174).

Mimo výše zmíněné okruhy byla zřízena v rámci Ukrajiny v říjnu 1924 ještě Moldavská autonomní sovětská socialistická republika z části území Podolské a Oděské gubernie. V roce 1926 zde bylo napočítáno 322 Čechů podle národnosti a 272 podle jazyka, z nich většina opět na venkově (289) a pouhých 33 osob žilo ve městech. Z hlediska gramotnosti bylo 227 gramotných (70,5 %) a 189 psalo a četlo česky či slovensky (Vsesojuznaja perepis naselenija, Tom XIII, 1929, s. 39–41).

Srovnáním počtu Čechů na základě určení národnosti a na základě rodného jazyka vyjádřeného v procentech podle bývalých gubernií vidíme, že k nejmenší asimilaci došlo ve Volyňské (93,9 %), Katěrinoslavské (81,9 %), Kyjevské (80,8 %), Oděské (77,4 %) a částečně Podolské gubernii (63,8 %), tedy v guberniích, kde byli Češi početněji usazeni. Na druhou stranu v Černigovské (59,1 %), Doněcké (57,3 %), Charkovské (54,7 %) a Poltavské (49,4 %) gubernii, v nichž byli Češi usazeni v nevelkém počtu, byl rovněž zjištěn významný podíl osob české národnosti s českým jazykem, byť v porovnání s výše uvedenými guberniemi nižší. Procentuální podíl Čechů na základě určení rodného jazyka v rámci zbývajících gubernií však nenasvědčuje tomu, že splynuli s místní populací. Na základě toho můžeme udělat závěr, že politika korenizace alespoň v prvních pěti guberniích pozitivně ovlivnila národnostní vývoj české menšiny.

Na přelomu 20. a 30. let proběhla v Sovětském svazu řada politických a hospodářských změn. Ty vedly ke zhoršení celkové situace české menšiny. Kolektivizace zemědělství a s ní spojené tažení proti kulakům a buržoaznímu nacionalismu neruských národností

negativně ovlivnily postavení české menšiny, protože jejich hospodářství patřila mezi zámožnější. Zhoršování situace Čechů, ale také jiných národnostních menšin pokračovalo ve druhé polovině 30. let a vyvrcholilo v průběhu Velikého teroru i krátce po něm, kdy vůči národnostním menšinám převládla podezíravá atmosféra. Menšiny byly označeny za nepřátele lidu, docházelo k jejich deportacím a zatýkání (Borák, 2003, s. 63; Martin, 2011, s. 579–580). Česká menšina tak sdílela osudy jiných národnostních menšin Ukrajiny. Ačkoliv represe a deportace probíhaly minimálně již od konce 20. let, k největší represivní akci proti českým kolonistům došlo v září 1938 v Žitomiru, kdy na základě falešného obvinění z členství v české vojensko-povstalecké špionážní organizaci zvané České družstvo bylo popraveno celkem 80 lidí, z toho 78 Čechů.[9] Za této situace lze předpokládat menší ochotu uvádět svou národnost a jako důsledek pak pokles počtu české menšiny. Podle sčítání lidu v roce 1939 skutečně došlo na Ukrajině k dalšímu poklesu české populace, a to na 14 786 (Vsesojuznaja perepis naselenija 1939 goda, 2024). V této pro národnostní menšiny nepříznivé situaci by však bylo velmi zjednodušující vysvětlovat tento pokles pouhou vůlí k asimilaci. Na daném poklesu se nepochybně podepsaly také deportace, jejímiž oběťmi se stávali Češi, stěhování perzekvovaných rolníků do měst a v neposlední řadě i výjezdy do Československa na počátku 30. let.[10] To potvrzuje zvýšení počtu městské populace na 4 265 a pokles počtu venkovské populace na 10 521 oproti předchozímu sčítání.

Pokud jde o rozmístění Čechů na území Ukrajiny na konci 30. let, nejvíce Čechů zůstávalo v Žitomirské oblasti v počtu 5 927 osob, dále v Kyjevské oblasti v počtu 2 102 osob, Kamenec Podolské oblasti v počtu 1 739 osob a čtveřici oblastí s největším počtem Čechů uzavírá Vinická oblast, kde se k české národnosti přihlásilo 1 254 osob. Ve zbývajících oblastech počet Čechů již nepřesáhl tisíc osob, například v Záporožské oblasti uvedlo podle výsledků daného sčítání českou národnost 963 osob a v Oděské oblasti žilo 883 Čechů. Dále v roce 1939 žilo 305 Čechů ve Stalinské oblasti. Na stejných číslech se počet osob české národnosti pohyboval v Mykolajivské a Dněpropetrovské oblasti, v obou uvedlo českou národnost 274 a 272 osob. V Charkovské oblasti uvedlo českou národnost 206 osob, ve Vorošilohradské, respektive Luhanské oblasti 181 osob, v Poltavské oblasti 126 Čechů, v Černigovské a Sumské oblasti žilo v roce 1939 celkem 107 a 101 osob, a v Kirovohradské oblasti bylo zaznamenáno nejméně Čechů – 74 osob (Vsesojuznaja perepis naselenija 1939 goda, 2024).

Na závěr by bylo vhodné připomenout i slovenskou menšinu na Ukrajině, která byla po celé meziválečné období považována za součást jednotného československého národa. Z tohoto důvodu bývá slovenská národnost v některých případech uváděna společně s českou. Bohužel samostatnou slovenskou národnost můžeme najít až v neúplném sčítání v roce 1920 a poté ve sčítání v roce 1939. Naopak sčítání v roce 1926 zahrnuje pod jednou kolonkou Čechy a Slováky, a tak nemůžeme určit počet Slováků na Ukrajině během tohoto sčítání. Rozbor počtu Slováků v těchto sčítáních přitom naznačuje, že se jednalo rovněž o nepočetnou menšinu. Ve skutečnosti jich bylo ještě méně než Čechů. Podle neúplného

9 Tato událost již byla dostatečně popsána ukrajinskými i českými historiky, z nich uveďme alespoň Maju Lutaj a na české straně Mečislava Boráka (Borák, 2014, s. 111–123; Lutaj, 2008, s. 17–20). Uplatnění výše zmíněných perzekucí vůči Čechům vystihl M. Borák (Borák, 2003, s. 63–67; Týž, 2014, s. 40–46).

10 Podle J. Vaculíka odjelo v první polovině roku 1930 z celého SSSR do Československa 250 osob a dalších 250 bylo připraveno k odjezdu (Vaculík, 1998, s. 94).

sčítání z roku 1920 žilo na Ukrajině jen 169 Slováků (Naselenije Ukrajiny, 1922, s. 20). V roce 1939 se jejich počet snížil na 151 (Vsesojuznaja perepis naselenija 1939 goda, 2024). Z hlediska územního rozmístění žilo v roce 1920 nejvíce Slováků v Kyjevské gubernii (62), poté v rámci bývalé Chersonské gubernie (30), dále na území nově vzniklé Doněcké gubernie (32) a početnější komunitu vytvářeli ještě v Katěrinoslavské gubernii (18) a Charkovské gubernii (16), ve zbývajících guberniích počet Slováků nepřesáhl 10 (Naselenije Ukrajiny, 1922, s. 20–23). V roce 1939 bylo nejvíce Slováků ve Stalinské oblasti (35), Kyjevské oblasti (23) a Mykolajivské oblasti (13). Ve zbytku oblastí jejich počet opět nepřesáhl 10 (Vsesojuznaja perepis naselenija 1939 goda, 2024). Tyto výsledky sčítání tak přinejmenším naznačují, že na rozdíl od Čechů nebyla hlavním místem slovenského usazení na Ukrajině Volyň, ale bývalá Kyjevská gubernie a jihovýchod Ukrajiny, v tomto případě bývalá Chersonská a Katěrinoslavská gubernie. Současně představovali, alespoň podle údajů z roku 1939, spíše městskou komunitu (84 osob), s převahou mužského pohlaví (130 osob) (Vsesojuznaja perepis naselenija 1939 goda, 2024). Tudíž vidíme, že Češi šli hlavně „za půdou", zatímco Slováci přišli na Ukrajinu „za prací".

ZÁVĚR

Studie se zabývala dosud neprozkoumaným tématem demografického vývoje české menšiny na Ukrajině od roku 1897 až do roku 1939. Na základě rozboru jednotlivých výsledků sčítání můžeme říct, že Češi byli nepočetnou, koncentrovanou a poměrně gramotnou menšinou žijící převážně na venkově. Většina byla usazena na území Volyně, početnější komunita žila také v okolí Kyjeva a na jihu Ukrajiny včetně Krymu. Také na východě Ukrajiny žili Češi, ale v porovnání s Volyní, bývalou Kyjevskou gubernií i guberniemi na jihu jich zde žilo výrazně méně. Celkově tak pozorujeme rozdíl mezi komunitou ukrajinských Čechů žijících na Volyni, bývalé Kyjevské gubernii, na jihu Ukrajiny a komunitou Čechů na východě země. První z nich byla početnější a tvořila převážně venkovskou populaci, druhá z nich představovala menší podíl na celkové české populaci, byla usazena většinově ve městech a vykazovala vyšší podíl gramotnosti. Ve skutečnosti však ani v rámci gubernií Češi netvořili jedno procento populace, což potvrzuje její nepočetnost.

SUMMARY

Statistic showed, that the Czech minority in explored period was little, concentrated and relatively literate minority. Looking at the geographic concentration of Czech minority, we may speak about two groups of Ukrainian Czechs. First group were Czechs living mainly on the territory of former Volhynian governorate, then in Kievan governorate and also in the southern governorates including Crimea. The second group constituted Czechs living in the eastern governorates and the rest of Ukraine. The main difference between both groups was that the first group of Ukrainian Czechs was bigger and settled more in the countryside, the second group was smaller, more literate and settled more in towns.

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Literatura

ANDREJEV, E. M. et al. *Naselenije Sovetskogo Sojuza: 1922–1991*. Moskva: Nauka, 1993. ISBN 5-02-013479-1.

AUERHAN, J. *Československé jazykové menšiny v evropském zahraničí*. Praha: Orbis, 1935.

BOGOJAVLENSKIJ, D. *O pripiskach v perepisi 1939* g. [online]. Moskva: Institut demografii imeni A. G. Višnevskogo, 2013. [cit. 2. 6. 2024]. Dostupné z: http://demoscope.ru/weekly/2013/0571/arxiv01.php.

BORÁK, M. Českoslovenští občané z území dnešní České republiky perzekvovaní v SSSR. In: BORÁK, M. et al. *Perzekuce občanů z území dnešní České republiky v SSSR: sborník studií*. Praha: Ústav pro soudobé dějiny Akademie věd České republiky, 2003, s. 7–129. ISBN 80-7285-024-5.

BORÁK, M. *Zatajené popravy: Češi a českoslovenští občané popravení na sovětské Ukrajině: z historie Velkého teroru na Volyni a v Podolí*. Opava: Slezská univerzita v Opavě, Fakulta veřejných politik v Opavě, 2014. ISBN 978-80-7510-037-5.

CAPLIN, V. Statistika žertv stalinizma v 30-e gody. Pismo v redakciju. *Voprosy istorii*. 1989, č. 4, s. 175–181. ISSN 0042-8779.

DAVIES, R. W. et al. The soviet population and the censuses of 1937 and 1939. In: *The Industrialisation of Soviet Russia Volume 7: The Soviet Economy and the Approach of War, 1937–1939*. London: Palgrave Macmillan, 2018, p. 129–153. ISBN 978-1-137-36238-4.

DMITRIJENKO, M. F. Zminy v administratyvno-terytorialnomu ustroji Ukrajiny v 1919–1920 rr zakinčennja. *Ukrajinskyj istoričnyj žurnal*. 2004, č. 1, s. 43–52. ISSN 0130-5247.

GALIN, P. *Kak proizvodilis perepisi naselenija v SSSR*. Mjunchen: Institut po izučeniju istorii i kultury SSSR, 1951.

LUTAJ, M. *Čechy na Žytomyrščyni. Istorija i sohodennja*. Žytomyr: Vyd-vo ŽDU im. I. Franka, 2008.

MAGOČIJ, P. R. *Ukrajina: istorija jiji zemel' ta narodiv*. Užgorod: Vydavnyctvo V. Padjaka, 2017. ISBN 978-966-387-111-0.

MAKSUDOV, S. Perepisi naselenija 1937 i 1939 gg. In: ŽIROMSKAJA, V. (Sost.). *Mir glazami istorika: pamjati akademika Jurija Aleksandroviča Poljakova*. Moskva: Institut rossijskoj istorii RAN, 2014, s. 307–332. ISBN 978-5-8055-0263-8.

MARTIN, T. *Imperija „položitělnoj dějatělnosti". Nacii i nacionalizm v SSSR, 1923–1939*. Moskva: Rossijskaja političeskaja enciklopedija (ROSSPEN); Fond Prezidentskyj centr B. N. Jelcina, 2011. ISBN 978-5-8243-1523-3.

POLIŠČUK, J. *Nacionalni menšiny Pravoberežja Ukrajiny u konteksti etničnoji politiky Rosijjskoji imperiji (kinec XVIII – počatok XX st.)*. Kyjiv: IPiEND im. I. F. Kurasa NAN Ukrajiny, 2012. ISBN 978-966-02-6549-3.

SAGAČ, O. Zminy v administratyvno-terytorialnomu podili USRR na počatku 20-ch pp. XX st. *Regionalna istorija Ukrajiny. Zbirnyk naukovych statěj*. 2010, č. 4, s. 167–176. ISSN 2519-2760.

SCHWARTZ, L. A History of Russian and Soviet Censuses. In: CLEM, R. (ed.). *Research Guide to the Russian and Soviet Censuses*. Ithaca: Cornell University Press, 1986, p. 48–69. ISBN 978-0-8014-1838-9.

SUKMANOV, E. Razvitije gosudarstvennoj sistemy vsesojuznych perepisej v 1920–1939 gg.: na materialach Centralnogo Černozemja. *Učenyje zapiski: elektronyj naučnyj žurnal Kurskogo gosudarstvenogo universiteta*. 2013, roč. 26, č. 2. ISSN 2074-1774.

TOLC, M. Repressirovannaja perepis. *Rodina*. 1989, č. 11, s. 56–61. ISSN 0235-7089.

VACULÍK, J. *Dějiny volyňských Čechů II. 1914–1945*. Praha: Sdružení Čechů z Volyně a jejich přátel, 1998. ISBN 80-901878-8-9.

VOLKOVA, A. *Čechy na pivdni Ukrajiny (druha polovyna XIX – perša tretyna XX stolittja)*. Simferopol: Antika, 2006. ISBN 966-2930-13-2.

VOROBJEV, N. *Vsesojuznaja perepis naselenija 1926g*. Moskva: Gosstatizdat, 1957.

ŽIROMSKAJA, V. Vsesojuznaja perepis naselenija 1939 g.: Istorija provedenija, ocenka dostovernosti. In: POLJAKOV, J. (red.). *Vsesojuznaja perepis naselenija 1939 goda: Osnovnyje itogi*. Moskva: Nauka, 1992, s. 4–10. ISBN 5-02-008625-8.

ŽIROMSKAJA, V. Vsesojuznyje perepisi naselenija 1926, 1937, 1939 godov. Istorija podgotovki i provedenia. *Istorija SSSR*. 1990, č. 3, s. 84–102. ISSN 0131-3150.

ŽIROMSKAJA, V. et al. *Polveka pod grifom "sekretno": Vsesojuznaja perepis naselenija 1937 goda*. Moskva: Nauka, 1996. ISBN 5-02-009756-X.

Statistika

Nacionalnyj sklad silskoho naselennja Ukrajiny (za nacionalnisťju hospodariv). Poperedni pidsumky Vsesojuznoho perepisu naselennja 1926 r. Tom 1. Vyp. 1. Charkiv, 1927.

Pervaja vseobščaja perepis naselenija Rossijskoj Imperii 1897 g. T. 3: Bessarabskaja gubernija. Trojnickyj, N. A. (red). SPb: Izdanie Centralnogo statističeskogo komiteta Ministerstva vnutrennich del, 1905; T. 8: Volyňskaja gubernija. SPb: Izdanie Centralnogo statističeskogo komiteta Ministerstva vnutrennich del, 1904; T. 13: Jekaterinoslavskaja gubernija. SPb: Izdanie Centralnogo statističeskogo komiteta Ministerstva vnutrennich del, 1904; T. 16: Kyjevskaja gubernija. SPb: Izdanie Centralnogo statističeskogo komiteta Ministerstva vnutrennich del, 1904; T. 32: Podolskaja gubernija. SPb: Izdanie Centralnogo statističeskogo komiteta Ministerstva vnutrennich del, 1904; T. 33: Poltavskaja gubernija. SPb: Izdanie Centralnogo statističeskogo komiteta Ministerstva vnutrennich del, 1904; T. 41: Tavričeskaja gubernija. SPb: Izdanie Centralnogo statističeskogo komiteta Ministerstva vnutrennich del, 1904; T. 47: Chersonskaja gubernija. SPb: Izdanie Centralnogo statističeskogo komiteta Ministerstva vnutrennich del, 1904; T. 46: Charkovskaja gubernija. SPb: Izdanie Centralnogo statističeskogo komiteta Ministerstva vnutrennich del, 1904; T. 48: Černigovskaja gubernija. SPb: Izdanie Centralnogo statističeskogo komiteta Ministerstva vnutrennich del, 1905.

Predvaritělnyje itogi perepisi v Krymu v 1921 g. Vyp 1. Simferopol, 1922.

Naselenije Ukrajiny po dannym perepisi 1920 goda (Svodnyje dannyje po gubernijam i ujezdam). Statistika Ukrajiny. Tom. 1. Vyp. 11, č. 28. Charkov, 1922.

Vsesojuznaja perepis naselenija 1926 goda. Tom XII. Ukrajinskaja Socialističeskaja Sovetskaja Respublika. Pravoberežnyj podrajon. Levoberežnyj podrajon. Otděl 1 Narodnosť, Rodnoj jazyk, Vozrast, Gramotnosť. Moskva, 1929.

Vsesojuznaja perepis naselenija 1926 goda. Tom XIII. Ukrajinskaja Socialističeskaja Sovetskaja Respublika. Stepnoj podrajon. Dnepropetrovskij podrajon. Gornopromyšlennyj podrajon. Otděl 1 Narodnosť, Rodnoj jazyk, Vozrast, Gramotnosť. Moskva, 1929.

Vsesojuznaja perepis naselenija 1939 goda [online]. [cit. 2. 6. 2024]. Dostupné z: https://www.demoscope.ru/weekly/ssp/census.php?cy=2.

Vsesojuznyj perepys ljudnosti 1926 roku. Tom XI. Ukrajinska socialistična radjanska respublika. Pidsumky po respublici. Polissja. Viddil 1 Nacionalnisť, Ridna mova, Vik, Pismennisť. Moskva, 1929.

Přílohy

Tab. 1 Sčítání v roce 1897

Gubernie	Celkem	Podíl na čs. populaci	Muži	Ženy	Venkov	Město
Volyňská	27 670	75,4 %	13 855	13 815	26 708	962
Kyjevská	3 294	9 %	1 771	1 523	2 211	1 083
Tauridská	1 962	5,3 %	1 024	938	1 739	223
Chersonská	1 351	3,7 %	788	563	642	709
Podolská	886	2,4 %	496	390	723	163
Besarábská	482	1,3 %	288	194	306	176
Katěrinoslavská	450	1,2 %	265	185	265	185
Charkovská	221	0,6 %	143	78	79	142
Černigovská	209	0,6 %	111	98	122	87
Poltavská	156	0,4 %	100	56	72	84
	36 681		18 841	17 840	32 867	3 814

Zdroj: Vlastní zpracování na základě výše citované statistiky

Tab. 2 Neúplné sčítání v roce 1920

Původní členění	Nové členění	Celkem	Muži	Ženy	+/-
Volyňská	Volyňská	-	-	-	-
Podolská	Podolská	-	-	-	-
Kyjevská	Kyjevská	3 512	2 018	1 494	+218
Chersonská gubernie	Oděská	1 430	802	628	
	Mykolajivská	406	235	171	+485
Katěrinoslavská	Katěrinoslavská	189	116	73	-261
	Záporožská	-	-	-	-
	Doněcká	719	487	232	-
Charkovská	Charkovská	445	289	156	+224
Černigovská	Černigovská	146	99	47	-63
Poltavská	Poltavská	138	90	48	-18
	Kremenčucká	119	74	45	-
		7 104	4 210	2 894	

Zdroj: Vlastní zpracování na základě výše citované statistiky

Tab. 3 Sčítání v roce 1926

Gubernie	Celkem	+/-	Muži	Ženy	Venkovská	Městská
Volyňská	7 466	-20 204	3 716	3 750	6 749	717
Podolská	603	-283	334	269	343	260
Kyjevská	4 280	+768	2 271	2 009	2 893	1 387
Oděská	1 197	-233	638	559	820	377
Mykolajivská*	-	-	-	-	-	-
Katěrinoslavská	1 135	+946	530	605	898	237
Záporožská**	-	-	-	-	-	-
Doněcká	492	-227	300	192	67	425
Charkovská	296	-149	179	117	69	227
Černigovská	132	-14	81	51	64	68
Poltavská	168	+30	121	47	83	85
Kremenčucká***	-	-	-	-	-	-
AMSSR	322		168	154	289	33
Celkem	16 091		8 338	7 753	12 275	3 816

*Vysvětlivky: * Sloučena v roce 1922 s Oděskou gubernií; ** Sloučena v roce 1922 s Katěrinoslavskou gubernií; *** Její újezdy rozděleny mezi Poltavskou, Kyjevskou a částečně Katěrinoslavskou gubernii.*
Zdroj: Vlastní zpracování na základě výše citované statistiky

Tab. 4 Sčítání v roce 1939

Oblast	Celkem	Muži	Ženy	Města	Venkov
Žitomirská oblast	5 927	2 724	3 203	899	5 028
Kyjevská oblast	2 102	1 087	1 015	1 299	803
Kamenec Podolská	1 739	845	894	262	1 477
Vinická	1 254	603	651	254	1 000
Záporožská	963	439	524	177	786
Oděská	883	478	405	281	602
Stalinská	305	184	121	276	29
Mykolajivská	274	135	139	51	223
Dněpropetrovská	272	151	121	219	53
Charkovská	206	115	91	184	22
Vorošilohradská	181	97	84	131	50
Poltavská	126	81	45	64	62
Černigovská	107	76	31	43	64
Sumská	101	70	31	55	46
Kirovohradská	74	45	29	36	38
AMSSR	272	132	140	34	238
Celkem	14 786	7 262	7 524	4 265	10 521

Zdroj: Vlastní zpracování na základě výše citované statistiky

Tab. 5 Slováci podle neúplného sčítání v roce 1920

Původní členění	Nové členění	Celkem	Muži	Ženy
Volyňská	Volyňská	-	-	-
Podolská	Podolská	-	-	-
Kyjevská	Kyjevská	62	43	19
Chersonská gubernie	Oděská	26	12	14
	Mykolajivská	4	2	2
Katěrinoslavská	Katěrinoslavská	18	11	7
	Záporožská	-	-	-
	Doněcká	32	26	6
Charkovská	Charkovská	16	11	5
Černigovská	Černigovská	2	2	-
Poltavská	Poltavská	2	2	-
	Kremenčucká	7	6	1
		169	115	54

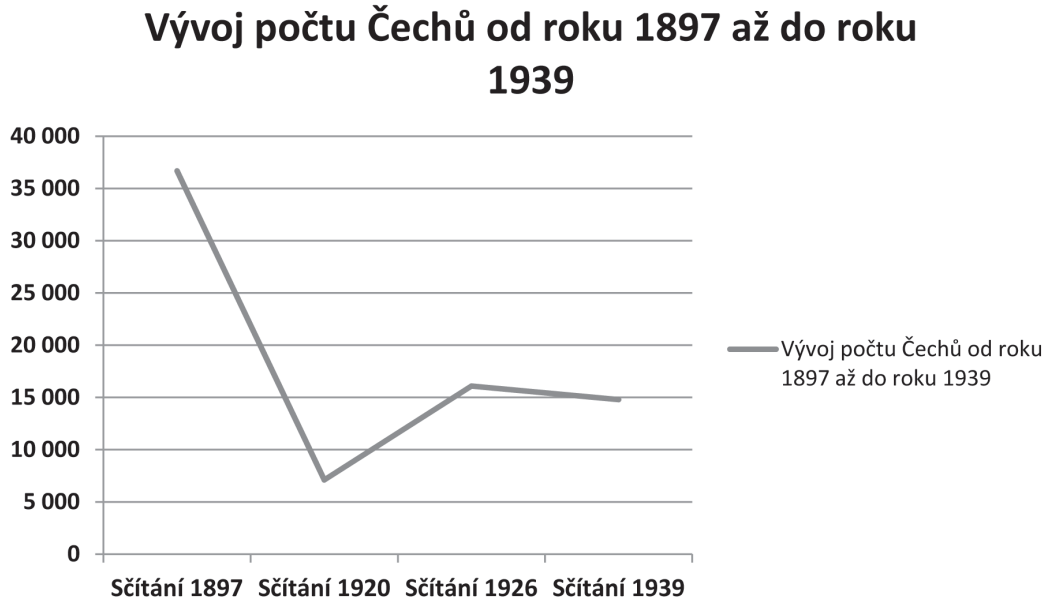
Zdroj: Vlastní zpracování na základě výše citované statistiky

Tab. 6 Slováci podle sčítání v roce 1939

Oblast	Celkem	Muži	Ženy	Města	Venkov
Žitomirská oblast	7	7	-	3	4
Kyjevská oblast	23	23	-	11	12
Kamenec Podolská	8	8	-	3	5
Vinická	9	9	-	-	9
Záporožská	6	5	1	4	2
Oděská	9	5	4	7	2
Stalinská	35	28	7	30	5
Mykolajivská	13	10	3	4	9
Dněpropetrovská	7	4	3	3	4
Charkovská	4	4	-	4	-
Vorošilohradská	9	7	2	7	2
Poltavská	8	7	1	4	4
Černigovská	5	5	-	-	5
Sumská	2	2	-	1	1
Kirovohradská	3	3	-	1	2
AMSSR	3	3	-	2	1
Celkem	151	130	21	84	67

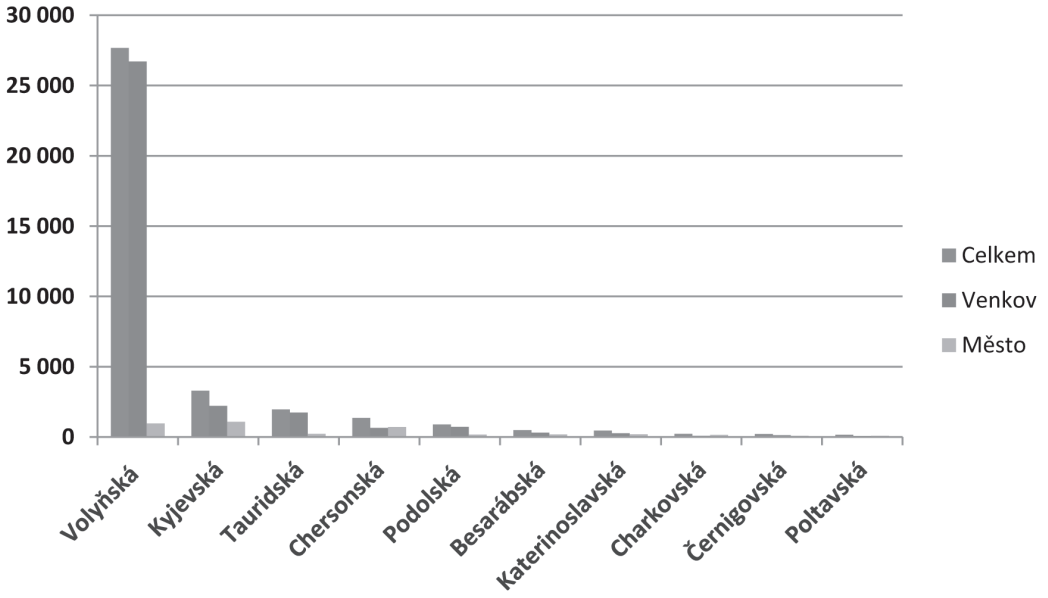
Zdroj: Vlastní zpracování na základě výše citované statistiky

Graf 1 Vývoj české menšiny na Ukrajině od sčítání v roce 1897 až po sčítání v roce 1939



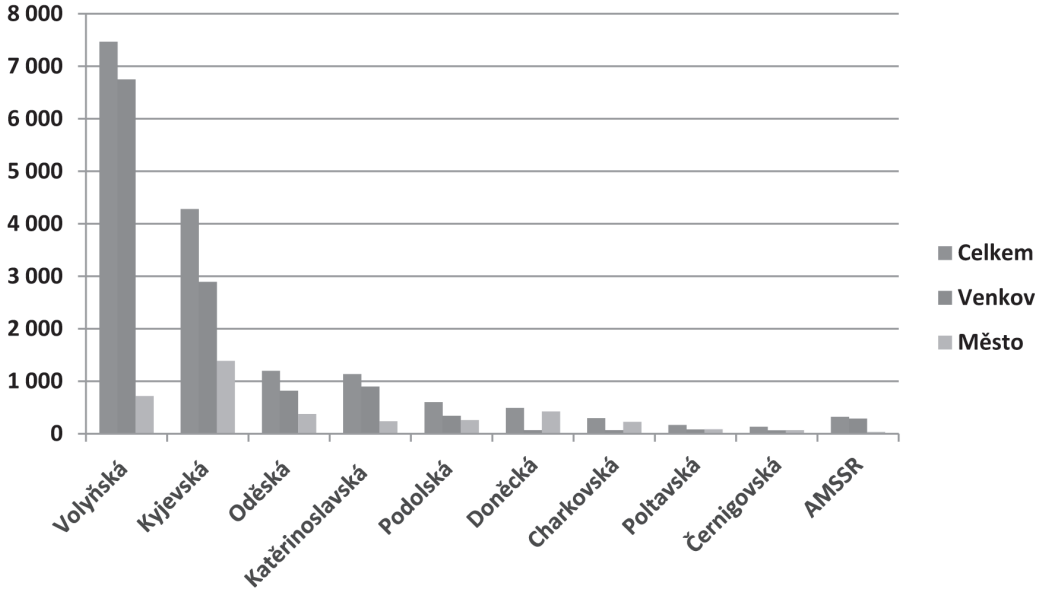
Zdroj: Vlastní zpracování na základě výše citované statistiky

Graf 2 Sčítání 1897 – Rozmístění české menšiny podle jednotlivých gubernií a charakteristiky osídlení



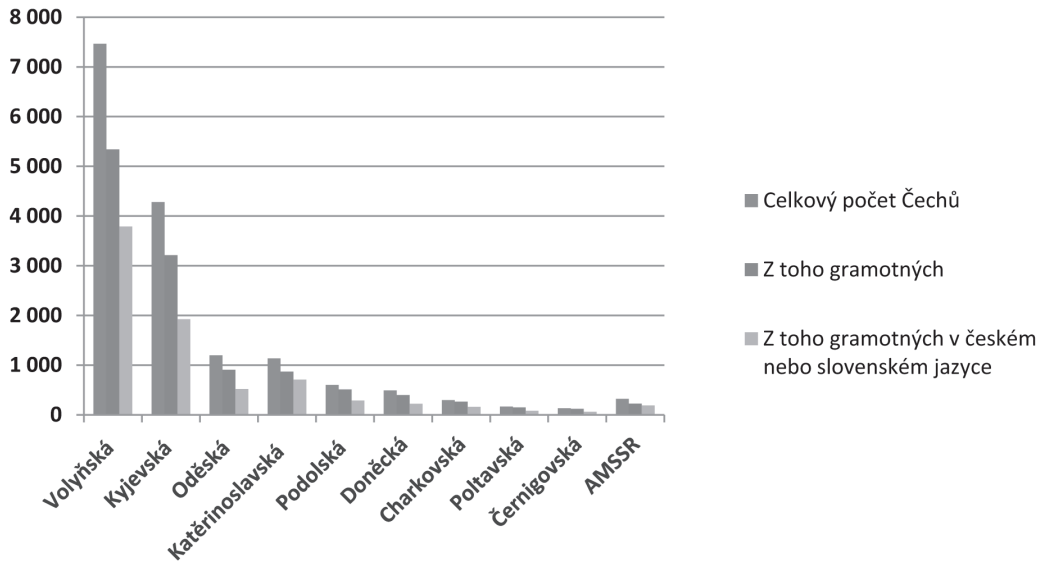
Zdroj: Vlastní zpracování na základě výše citované statistiky

Graf 3 Sčítání 1926 – Rozmístění české menšiny podle bývalých gubernií a charakteristiky osídlení



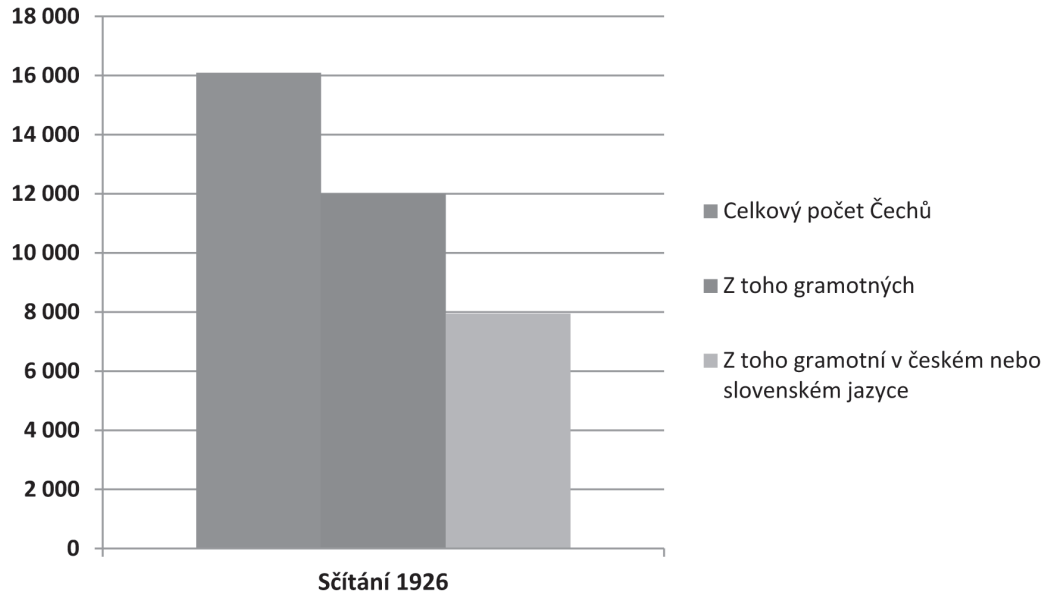
Zdroj: Vlastní zpracování na základě výše citované statistiky

Graf 4 Sčítání 1926 – Gramotnost české menšiny podle bývalých gubernií



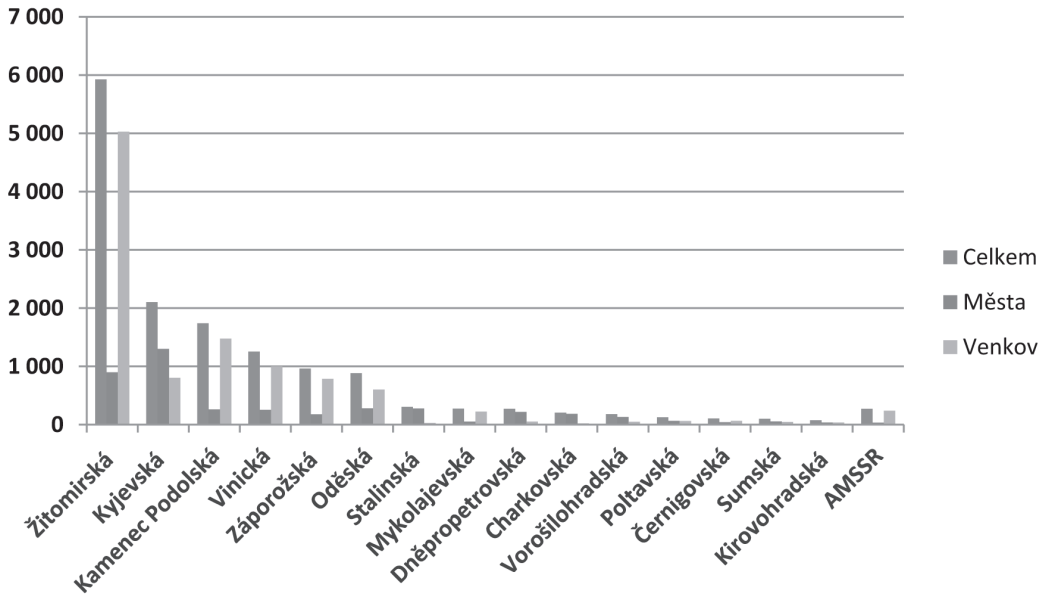
Zdroj: Vlastní zpracování na základě výše citované statistiky

Graf 5 Sčítání 1926 – Celková gramotnost české menšiny



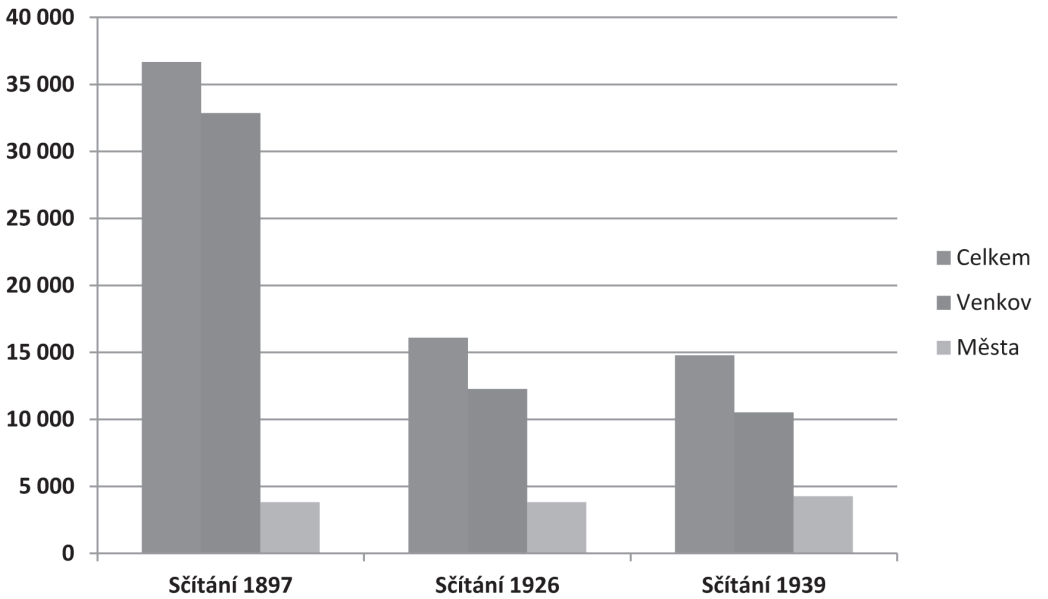
Zdroj: Vlastní zpracování na základě výše citované statistiky

Graf 6 Sčítání v roce 1939 – Rozmístění české menšiny podle tehdejších oblastí a charakteristiky osídlení



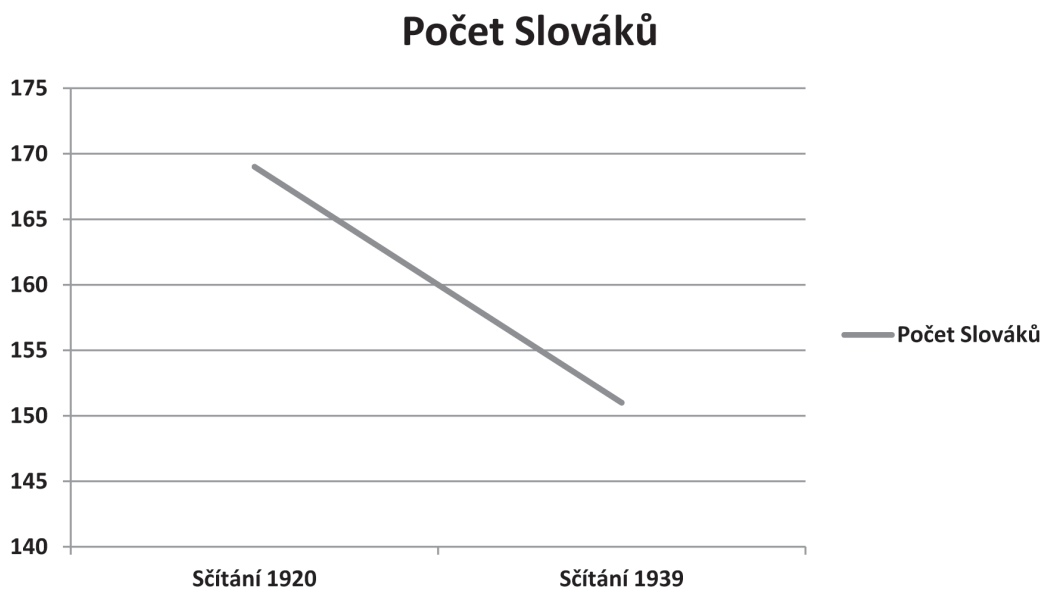
Zdroj: Vlastní zpracování na základě výše citované statistiky

Graf 7 Sčítání 1897, 1926 a 1939 – Česká venkovská a městská populace



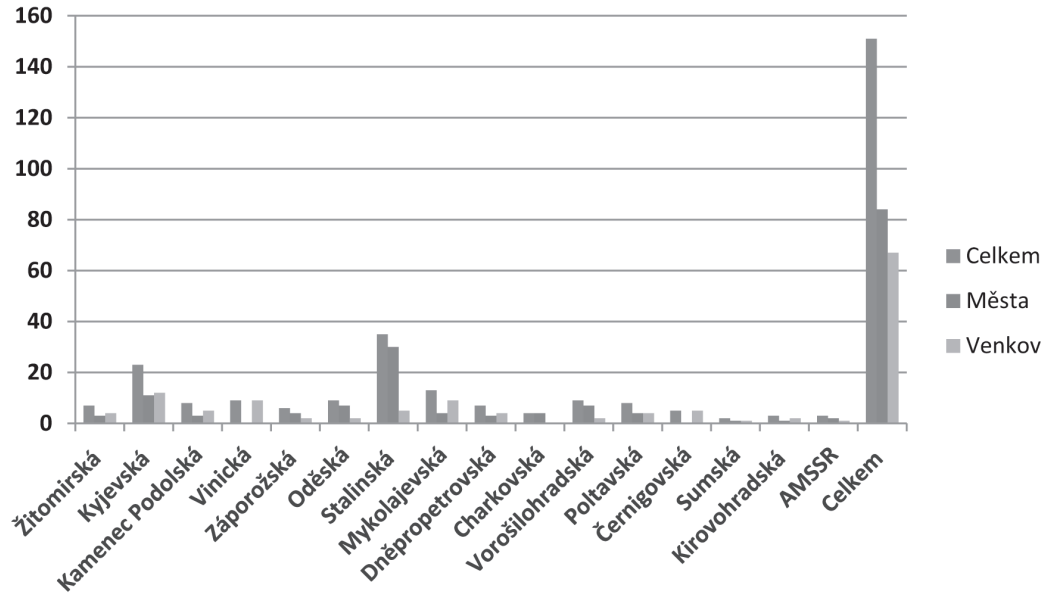
Zdroj: Vlastní zpracování na základě výše citované statistiky

Graf 8 Vývoj počtu Slováků na Ukrajině za sčítání 1920 a 1939



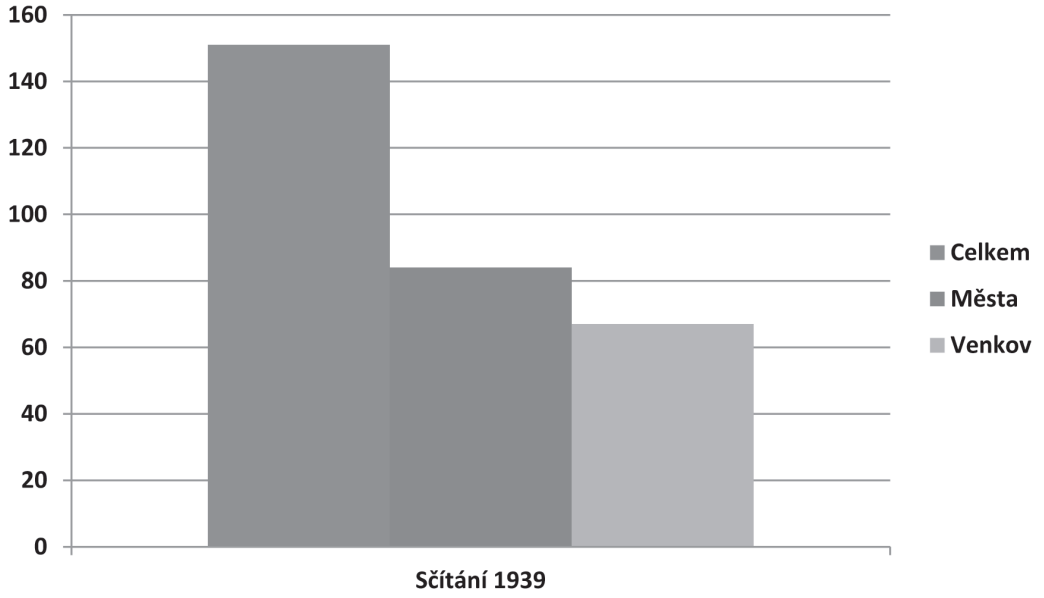
Zdroj: Vlastní zpracování na základě výše citované statistiky

Graf 9 Sčítání v roce 1939 – Rozmístění slovenské menšiny podle tehdejších oblastí a charakteristiky osídlení



Zdroj: Vlastní zpracování na základě výše citované statistiky

Graf 10 Sčítání 1939 – Slovenská venkovská a městská populace



Zdroj: Vlastní zpracování na základě výše citované statistiky

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REPORTS

THE SCIENTIFIC PARTNERSHIP BETWEEN THE HARZ UNIVERSITY OF APPLIED SCIENCES AND THE FACULTY OF PUBLIC POLICIES IN OPAVA

Wolfgang Beck[1], Marta Kolaříková[2], Marie Sciskalová[3]

Abstract

The contribution was based on the long-term cooperation of the Silesian University in Opava with the University of Hochschule Harz, Halberstadt. The cooperation of the Department of Administrative Sciences, Harz University of Applied Sciences, with the Institute of Public Administration and Social Policy, Faculty of Public Policies, Silesian University in Opava, has developed both at the level of exchange stays of teachers and students. Cooperation was also devoted to research activities and existing approaches to research in the field of public administration, with ministries and nationally recognized institutions, local governments in Saxony-Anhalt, the German Federal Republic and the Czech Republic.
As part of the collaboration, a joint publication on the development of local administration in Germany and the Czech Republic was published in 2018 (ISBN 978-3-941636-26-2). The long-term cooperation resulted not only in the implementation of projects on current challenges in public administration, with a focus on local self-government, but also in a publication on the topic of Think administration in an interdisciplinary manner. In this publication, Chapter IV is devoted to scientific partnership in the field of public administration in the Czech Republic and the Federal Republic of Germany.
The contribution was created for the 25th anniversary of the Department of Administrative Sciences of the Harz University of Applied Sciences, German Federal Republic. It is an excerpt from the publication Think administration in an interdisciplinary manner.
In this regard, the above-mentioned authors believe that it would be appropriate to publish a contribution in the journal Central European Papers, published by the Faculty of Public Policies, Silesian University in Opava.

Keywords

cooperation, college, science, projects, exchange of experience

1 Department of Administrative Sciences, Harz University of Applied Sciences

2 The Institute of Pedagogical and Psychological Sciences, Faculty of Public Policies in Opava, Silesian University in Opava

3 The Institute of Public Administration and Social Policy, Faculty of Public Policies in Opava, Silesian University in Opava

INTRODUCTION

The emergence of partnerships[4] depends in no small measure on coincidences. This is probably no less true for the beginning of scientific cooperation. The cooperation between the two departments of the Silesian University in Opava and the Harz University of Applied Sciences began on the occasion of an exchange of lecturers mediated by the Erasmus program.[5]

This was preceded by contacts between the Harz University of Applied Sciences and other Czech universities, such as the University of Pardubice, and stays by Czech lecturers at the Department of Administrative Sciences.

The Silesian University[6] is located in the east of the Czech Republic and, like the Harz University, was founded after the political change, making in relatively young university, full of dynamism and innovative spirit!

Partnerships are not permanent events, but often a sequence of intensive and less intensive cooperation. It is all the more remarkable that reciprocal stays and a constant project-related exchange on specialist topics could become an integral part of the academic year. Of course, the cooperation is embedded in the ongoing commitments of those involved in teaching, departmental administration and research. Despite the different professional approaches, the interpersonal factor plays a major role. Hospitality and openness to cultural interests and information needs, even beyond the circle of those directly involved, is by no means a matter of course in day-to-day administrative contacts. It is precisely in this way that the mutual integration task is accomplished.

At the beginning of a partnership there is – one would think – an agreement. A reliable bond is usually preceded by an exchange of lecturers and students – funded by EU-Erasmus-programs. This was also the case in 2014: The work as a guest lecturer at the Faculty of Public Policies[7] was also embedded in a visit program that gave first impressions of a previously unknown part of the Czech Republic. Moravia with its rich Austro-Hungarian and (South) Silesian past, which, despite the destruction of World War II, shows in the cityscape, buildings, schools and museums. In Section 2 the Silesian University in Opava and their faculties are presented.

Institute for Regional and Central European Studies located there as partners. Section 3 will deal with the participants, their expertise and the content of the teaching exchange. An attempt is made to give an impression of the thematic range of the contributions and discussions. Section 4 presents three joint administrative research projects that were carried out in 2017/2018 and 2021/2023. Here – in short – local studies as well

4 On research, project and cooperation activities for the Harz University of Applied Sciences see: annual research reports, available from: https://www.hs-harz.de/hochschule/dokumente/downloads-forschung. On "Promotionszentrum der Fachhochschulen des Landes Sachsen-Anhalt": https://www.hs-harz.de/forschung/promotionszentren/sgw. On Researchgate of Silesian University in Opava: https://www.researchgate.net/institution/Silesian_University_in_Opava.

5 Information on Erasmus+ available from: https://www.hs-harz.de/studium/internationales/auslandsstudium/finanzierung-und-stipendien/erasmus.

6 On Silesian University in Opava see: https://www.slu.cz/slu/en/.

7 See Faculty of Public Policies in Opava, available from: https://www.slu.cz/fvp/en/contacts.

as social and youth welfare-specific topics will be discussed in a comparative legal manner. A particular enrichment was the opportunity to support the further development of the degree program portfolio of the Faculty of Public Policies. Here – together with other colleagues from European universities – international expertise will brought into the assessment process (Section 5). The article closes with a conclusion.

THE PARTIES INVOLVED

Like the history of the Harz University of Applied Sciences, the history of the Silesian University in Opava is comparatively short. Founded after the political change in July 1990, the University in Opava, in close cooperation with the Masaryk University (Brno), initially offered numerous humanities and natural science courses in the Philosophy and Science Faculty in Opava, the Faculty of Business Administration in Karvina and the Mathematical Institute in Opava. After several spin-offs and expansions, the Faculty of Public Policies has existed since 2008 and the Institute of Physics since 2020.[8]

The Faculty of Public Policies offers bachelor's programs in Public Administration and Social Affairs, Social Pathology and Prevention, Education of seniors, Special Education, General and Pediatric Nursing, Midwifery, Dental Hygiene as well as master's programs in Public Administration and Social Policies and doctoral programs in modern history of Central Europe. All study programs fall into assisting professions, are multidisciplinary, as are applied research, which is mostly carried out in the faculty. The Moravian-Silesian region is a region with a large number of socially weak people, people at risk of social exclusion, poverty, and individuals with health disadvantages.

This is why study programs are designed to reduce adverse impacts on personality and quality of life, prevent the emergence of risky behaviour, promote community and regional social and family policies, integrate children and adults, and balance opportunities for citizens with health disadvantage. Students get the basic orientation necessary when working with the state government in the provision of services to the public in administrative offices, whether state bodies or counties. Health focused curricula seek to raise erudite health workers, whose lack is very sensitively perceived in quality of whose health provided.

The Faculty of Philosophy and Science offers bachelor's, master's and doctoral programs in the fields of linguistics, library science, history, archaeology, gastronomy and computer science. Artistic disciplines are represented by the Creative Photography course.[9]

Opava is located in the Silesian-Moravian part of the Czech Republic, in the north-east on the border with Poland. The old cultural landscape is a slightly hilly landscape.[10] The economic center of the region is the city of Ostrava further to the east with 285,000 inhabitants, which is an important industrial location (coal, steel processing). Opava has 56,000 inhabitants and around 3,000 students. Striking locations are the historic town hall,

8 Further information are available from: https://www.slu.cz/slu/en/suopava.

9 On the art related study program see: BIRGUS, V. (ed.). Opava school of photography: twenty years of the Institute of Creative Photography, Silesian University in Opava. Opava: Silesian University in Opava, 2011. ISBN 978-80-7248-654-0.

10 For further information see: Moravian-Silesian Region: A Region of Many Stories [online]. Ostrava: Moravian-Silesian Region, 2021. Regional information available from: https://www.msk.cz/.

the university building, the cathedral and the Silesian Museum, the theatre and the state library.

The School for Public Administration in Halberstadt was initially a facility of the Ministry of the Interior of the State of Saxony-Anhalt. In 1998, this school was incorporated into the Harz University as Department for Administrative Sciences, with study-programs in Public Administration and Administrative Economics. A little later, the program was expanded to include European Administrative Management and two master's programs.[11] In addition to the Department of Economic Sciences and the Department of Automation and Computer Science, training for the public sector has also been an important part of the Harz University's range of offers since this time. It is one of four Universities of Applied Sciences in the state of Saxony-Anhalt. It has its headquarters in Wernigerode, a tourist and industrial center at the Harz Mountains. The Department of Administrative Sciences is located in Halberstadt, a commercial and cultural center with headquarters of the District Administration.[12]

The cooperation between the two universities, initiated by the International Office of the Harz University,[13] was decisively shaped from the start and filled in by the colleagues JUDr. Marie Sciskalová, Ph.D. and Mgr. Marta Kolaříková, Ph.D. from the Faculty of Public Policies and Prof. Dr. Wolfgang Beck from the Department of Administrative Sciences. Marie Sciskalová is a lawyer with extensive administrative experience and good contacts with authorities. She is particularly interested in municipal and criminal law areas.[14] Marta Kolaříková is a psychologist specializing in families of children with disabilities, families providing substitute family care and the quality of life of various groups of residents, has close contacts with care facilities and practice authorities.[15] Wolfgang Beck is a legal scholar and, after working as a judge at the Administrative Court in Magdeburg, he has been a professor of Administrative and Municipal Law at the Department of Administrative Sciences since 1999.[16]

It was the cooperation with the Harz University that began to develop gradually, first through mutual mobility of educators since 2014, then through student mobility, participation in international conferences, gradually developing a joint publishing and research activity. The Harz University of Applied Sciences and the Silesian University in Opava are official partners.

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11 Further information available from: https://www.hs-harz.de/fb-verwaltungswissenschaften.

12 See: https://www.kreis-hz.de/.

13 On International Office of the Harz University see: https://www.hs-harz.de/en/university/about-us/facilities/international-office.

14 PALÚŠ, I. and SCISKALOVÁ, M. Municipal legislation in the Czech Republic and the Slovak Republic. Central European Papers [online]. 2022, vol. 10, no. 1, p. 25–42. ISSN 2336-369X. DOI: 10.25142/cep.2022.002.

15 KOLAŘÍKOVÁ, M. Assistance to individuals with mental disabilities and behavioral disorders during fidgetiness. Social Pathology and Prevention. 2021, vol. 7, no. 2, p. 65–69. ISSN 2464-5877. KOLAŘÍKOVÁ, M. The Needs of Families with Children with a Disability. Saarbrücken: LAP LAMBERT Academic Publishing, 2018. ISBN 978-613-9-58318-8. KOLAŘÍKOVÁ, M. Sibling of Disabled Child at the Inclusive School. Journal of Community Medicine & Health Education [online]. 2018, vol. 8, no. 2. ISSN 2161-0711. DOI: 10.4172/2161-0711.1000609.

16 BECK, W. Häusliche Gewalt in Zeiten der Corona-Krise – Ursachen, Erscheinungsformen und Präventionsmaßnahmen Ein Beitrag zur Lage in Deutschland. Veřejná správa a sociální politika [online]. 2021, vol. 1, no. 2, p. 35–44. ISSN 2695-1231. DOI: 10.25142/vssp.2021.011.

LECTURER EXCHANGE

A first visit to the Silesian University (SLU) took place in March 2014 as part of the Erasmus teaching program. Wolfgang Beck held a course on "Administrative, Social and Economic Challenges in (East) Germany" at the Faculty of Public Policies. The focus was on the economic and social situation after the reunification of Germany. The discussion of the associated challenges, in particular the development of the private sector, also met with lively interest from colleagues and students because the Czech Republic faced with similar transformation tasks after the political change.

The enormous economic and socio-political effort that is required to convert a planned economy into a largely market-economy system were discussed also. There were numerous points of contact and shared experiences here – with considerable differences in terms of investment volume and control instruments. Worth mentioning are the institutional reorientation of the administrative, educational and economic structures and the concrete effects on the local and regional level.

Numerous finding processes were also associated with this in the area of universities, such as the expansion and adaptation of the courses, new construction and conversion of buildings and increased public relations work, to name just a few areas.

Another visit by the faculty in March 2015 served to fill the contacts with life and to advance the conclusion of the cooperation agreement. A common understanding of regionally oriented study programs as soft location factors, are able to increase the attractiveness of rural areas. The study programs in Opava, which aimed at imparting practical skills, impressed with relevance, which also stems from the professional activities of the teachers. The project and practice partnerships with administrations and organizations in the region still play an important role today. Students use a network of organizations with which the faculty has a cooperation agreement and in which practices are conducted under the supervision of practitioners. Many of these supervisors are former faculty graduates, offering significant feedback to students on their readiness, but at the same time providing feedback to the faculty on areas in which students are well prepared and areas that need to be strengthened in higher education.

Students in health-focused study programmes have the opportunity to going to patients. Wolfgang Beck was able to design a teaching course with students of political science and public administration in higher semesters. The topic of the contribution was "Legal Integration in Europe from 1950 up to 2015". It gave an impression of the various forms of European cooperation until today, offered an overview of the different fields of integration and how it works in practice.

Another highlight of the lecturer exchange was the participation in a course in November of the same year on the topic "Local Democracy and Local Self-Government – Framework and Challenges". The similar structure of local and regional administrative levels in the Czech Republic and Germany as well as state responsibility for the assignment and performance of important public service tasks were pointed out. In view of the demographic challenges, the question arises for both countries, which size of population is necessary in order to be

able to carry out municipal tasks effectively,[17] and which organizational units have to support administratively weak municipalities in order to secure the provision of public services.[18]
During the visits in 2017, 2019 and 2022, Marie Sciskalová and Marta Kolaříková presented administrative law and social psychological training content to students of the Department of Administrative Sciences in Halberstadt and drew attention to the English-language courses offered by the Silesian University. Like students in Opava, students in Halberstadt pointed out the time constraints of their studies and the language barriers. This makes the desired student exchange more difficult. An important part of the practical transfer were discussions in administrative and educational institutions, for example in the youth welfare office of the district of Harz, the staff office of the city of Halberstadt and the state training center for the hearing impaired.

RESEARCH PROJECTS

Local self-government in progress

A first joint research project was started in 2017, two further projects in late 2021. All projects were funded by the Harz University. In 2017, Marie Sciskalová and Wolfgang Beck agreed to conduct a joint study on the importance of local government levels in both countries.[19] As a rule, local service providers are the foundation of the state's multi-level administration. The legal status and the tasks assigned in each case are of considerable importance for the quality of the services provided.
The subject of investigation was the quality and quantity of public task fulfilment by Czech and German municipalities. The starting point of the project was the introduction of local self-government in the former German Democratic Republic and in the Czech Republic after the political change and measures to strengthen the efficiency of local units (local area reforms). The essential bases of the investigation were findings on the legal structure of the self-government bodies, on the financing of public tasks and on the administrative structural reforms. The comparative view of local and regional administrative structures and the existence of local/regional public tasks also included legal and technical resources. As an example, individual areas were identified that posed challenges at the local level in both countries.
Mention should be made here of securing municipal and regional sources of income, the implementation of balanced budget management, the appropriate reaction to the consequences of demographic development and the successful settlement of businesses through economic promotion. The comparison of selected municipalities based on statistical data and expert interviews. The project was implemented in three steps.

17 See REHMET, F. et al. Bürgerbegehrensbericht 2018 [online]. Berlin: Mehr Demokratie, 2018. Available from: https://www.mehr-demokratie.de/fileadmin/pdf/2018-12-04_BB-Bericht2018.pdf.

18 On Sachsen-Anhalt named "Verbandsgemeinden"; on Czech Republic named "TSGU" (Territorial Self-Government-Units). See in detail: BECK, W., SCISKALOVÁ, M., VÁCLAVÍKOVÁ, A. and HARASIMOVÁ, S. Local and regional self-government in Czech Republic and Germany – a comparative study. Ostbevern: Verlag Karla Grimberg, 2018. ISBN 978-3-941636-26-2.

19 Authors of report: WOLFGANG BECK, MARIE SCISKALOVÁ, ANNA VÁCLAVÍKOVÁ and SOŇA HARASIMOVÁ.

After an inventory of the organizational structures and (constitutional) legal bases, suitable comparison criteria were developed and collected in reference municipalities. These are Opava, Hlucin, Krnov, Bohumin and Cesky Tesin (Moravian-Silesian region) as well as Aschersleben, Blankenburg, Halberstadt, Quedlinburg and Wernigerode (Vorharz region). The main result of the study was that in both countries self-government units are firmly established at local and regional level and enjoy (constitutional) legal protection. The main organs (mayor and municipal council) are democratically constituted and legitimized. Both self-government structures have a clear internal organization (municipal constitution) and – in addition to numerous state tasks – also carry out substantial local and regional tasks (self-government tasks). They have the right to legislate on their territory to carry out local tasks (statutory power). Local and regional autonomy is secured by state financial support and own sources of income.

In both countries, local self-government based on a strong self-confidence of local and regional participants. The research project ended with a joint English-language publication.[20]

OTHER PROJECTS

Current Challenges for the Municipalities in the Czech Republic and Germany

Since the end of 2021, Wolfgang Beck and Marie Sciskalová have been conducting a study on current challenges in municipal politics, with particular emphasis on the implementation of climate protection goals and the adaptation of local public transport. On the basis of national regulations and specific local programs, the study is intended to work out reform approaches for the local implementation of climate goals and examine them as examples for the cities of Halberstadt and Opava. In addition to the necessary literature research, expert interviews are scheduled.

The comparative study should also identify best practice examples. The challenges of climate change and the reorientation of the energy supply include an enormous turnaround, above all the adaptation of the local infrastructure (drinking water, waste water, energy, transport), supply facilities (hospitals, nursing and educational facilities) as well as the reduction of the high level of soil sealing.[21] Further examples are the adaptation of the traffic infrastructure, parking space management and the integration of commercial delivery traffic into public transport.[22]

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20 BECK, W., SCISKALOVÁ, M., VÁCLAVÍKOVÁ, A. and HARASIMOVÁ, S. Local and regional self-government in Czech Republic and Germany – a comparative study. Ostbevern: Verlag Karla Grimberg, 2018. ISBN 978-3-941636-26-2.

21 See ALBRECHT, J. Die Stadt im Klimawandel: Handlungsfelder, Rechtsinstrumente und Perspektiven der Anpassung (climate resilient cities). In: FAßBENDER, K. and KÖCK, W. (eds.). Rechtliche Herausforderungen und Ansätze für eine umweltgerechte und nachhaltige Stadtentwicklung [online]. Baden-Baden: Nomos, 2021, p. 45–76. ISBN 978-3-7489-2424-1. DOI: 10.5771/9783748924241-45.

22 On statutory power see: Verwaltungsgericht Freiburg, Urteil vom 16.06.2021 – 1 K 5140/18: Fernwärme, Anschluss- und Benutzungszwang. KommJuR. 2021, no. 9, p. 355–360. ISSN 1613-0235.

Basics and Practice of long-term care in a comparative

Representation

The collaboration between Marta Kolaříková and Wolfgang Beck addresses current reform efforts in child and youth welfare law, with a special focus on the placement of children and adolescents in foster families. First of all, the legal situation in the Czech Republic and in Germany should be recorded and discussed in a comparative manner. The same applies to the practice of social work with children and young people. Current technical points of contact are efforts in the Czech Republic to significantly reduce the placement of children in homes in favor of family care. In Germany, the current reform efforts primarily apply to the administrative implementation of inclusion in so-called educational assistance. The project will primarily collect the current status of specialist literature and discuss it in a comparative legal manner. Expert interviews in youth welfare offices should also be used as a source of knowledge.
Both research projects will be completed by the end of 2023.

Project-accompanying Contacts

The respective project-related contacts and activities should not be underestimated. Worth mentioning here are the visits to institutions in Opava and Halberstadt. Here the contacts to the mayors and city administrations are particularly noteworthy. They have openly supported and promoted the implementation of numerous practical projects in the departments. In addition, there are contacts to numerous other organizational units in the district of Harz, the city of Olomouc and church institutions, which open up a practical, often reform-oriented view of the objects examined and enable an understanding of administrative practice.
Getting to know numerous cultural, tourist and social facilities can also be booked as an enrichment. Worth mentioning here are the theatres in Opava[23] and Halberstadt, the local John Cage project[24] as well as museums and libraries in both cities and – last but not least – the numerous castles and palaces in the area, which bear witness to an eventful and not always peaceful past. Such soft location factors are a significant advantage for studying away from the metropolis! They facilitate mutual understanding of the peculiarities of the other country.

OTHER ACTIVITIES

Conferences

In September 2019, Wolfgang Beck took part in the international conference "The Role of Public Administration and Social Policy in Everyday Civic Life". In the welcome address, the Dean of the Faculty of Public Policies – Prof. Rudolf Zacek – pointed out the good state of cooperation between the Harz University and the Silesian University and emphasized

23 On theatre program see: https://www.divadlo-opava.cz/program/.

24 See: https://www.aslsp.org/.

in particular the continued exchange of lecturers and joint research projects. Ing. Ladislav Prusa moderated the opening lectures. The individual sections were moderated by Dr. Marie Sciskalová. The mostly contemporary contributions covered administrative, social and political science topics and research areas. They included, among other things, the areas of regional administration and demography and also dealt with transformation studies (e.g. on the states of the former Yugoslavia and bureaucracy research according to Max Weber). In addition to Czech and German, Slovak, Polish and Hungarian scientists took part. The contribution by Wolfgang Beck entitled "Some Challenges of Digital Transformation in Public Administration" was received with interest by the participating colleagues.

Due to Corona, the follow-up conference took place on May 13th, 2021 via Zoom. The title of this international scientific conference was "Territorial self-government as a form of public power" and was organized by the Institute of Public Administration and Social Policies, Faculty of Public Policies. The contribution from the Harz University addressed the draft regulation for digital services ("EU Proposal for a Digital Services Act – reasons for and objectives of a Regulation on a single market for digital services").[25]

Program Evaluation

At the invitation of the Faculty of Public Policies, discussions about the further development of the Silesian University took place from November 11th to 25th, 2016 as part of the (internal) program "Development of the Internationalization of the Faculty of Public Policies in Opava". In addition to information about the large number of international contacts, including numerous cooperation with universities in the neighbouring countries of Slovakia, Poland, Hungary and Germany, discussions about increased research cooperation with the Harz University were in the foreground. With regard to the student exchange, particular attention should be drawn to some English-language events at the Faculty of Administrative Sciences and the possibility of short internships with local authorities.

CONCLUSION

Contrary to popular belief, the development and results of some activities cannot be predicted, as they are entirely dependent on the commitment and goodwill of others. This not only applies to regional practice and research projects, but even more so to international university partnerships. Whether the proverbial first step – the exchange of lecturers and inclusion in the courses offered by the partner university – is initially just a compulsory exercise or whether it will succeed and thus open up a perspective for further, more in-depth cooperation is open at the beginning of the contacts.

Frequently, the contacts are limited to one or more return visits or professional and personal contacts prove to be viable, or they suffer from personnel discontinuities.

25 EUROPEAN COMMISSION. Proposal for a Regulation of the European Parliament and of the Council on a Single Market for Digital Services (Digital Service Act). Following: EUROPEAN COMMISSION. Proposal. Law-giving competence bases on Art. 114 AEUV (measures to ensure effectiveness of internal market). The regulation has been in effect since October 2022.

Fortunately, the partnership between the Faculty of Administrative Sciences at the Harz University and the Faculty of Public Policies at the Silesian University has proven to be viable and able to develop beyond the interruptions caused by Corona. Participation in scientific conferences is also an integral part of a lived partnership, which, in addition to providing insight into the state of interdisciplinary research and the promotion of scientists, enables the exchange of project ideas and thus creates the foundation for another area of research cooperation.

Joint scientific research in particular is not possible without sufficient technical, time and financial resources. This applies in particular to universities of applied sciences. Here it is not only the large, EU-funded formats, but also the small research pots of the universities themselves that continuously enable projects and practical transfer.

The cooperation between the Silesian University in Opava and the Harz University of Applied Sciences is an example of how administrative research does not have to end at national borders, but can be successful by comparative studies and best-practice examples. Both partners are pursuing different approaches with regard to teaching the course content and the integration and connection of professional practice. In view of the technical expertise, methodological and practice-related aspects are increasingly becoming the focus of the curriculum. Different approaches are practiced here at the two university locations: In Opava, practical mediation in its own rooms and facilities (laboratories, nursing and counselling rooms, other exercise locations) that is strongly oriented towards scientific courses. The faculty also performs a "third role", cooperates with the region, offers lectures, short- and long-term courses in lifelong learning increasing qualifications, organises professional workshops, conferences, events for the general public. After 15 years, it can be noted that it has stabilised in the region and established itself as a meeting place for practitioners from different sectors and members of academia.

Mutual enrichment is an integral part of well-run higher education. In Halberstadt, there are the inclusion of work placements in the curriculum with a business development laboratory and an affiliated institute.[26] In this way, practice oriented administrative, social-psychological and nursing science teaching and research not only contribute to the progress of knowledge and understanding, but also fulfill a mission in the respective fields of practice that goes beyond their educational mandate. Special thanks are due to the participating universities and practice partners.

Used sources

ALBRECHT, J. Die Stadt im Klimawandel: Handlungsfelder, Rechtsinstrumente und Perspektiven der Anpassung (climate resilient cities). In: FAßBENDER, K. and KÖCK, W. (eds.). *Rechtliche Herausforderungen und Ansätze für eine umweltgerechte und nachhaltige Stadtentwicklung* [online]. Baden-Baden: Nomos, 2021, p. 45–76. ISBN 978-3-7489-2424-1. DOI: 10.5771/9783748924241-45.

26 Further information on WiFöLab (Wirtschaftsförderungs-Labor) and PublicConsult-An-Institut available from: https://wifoe-lab.hs-harz.de/konzept.html and https://www.publicconsult.org/.

BECK, W. Häusliche Gewalt in Zeiten der Corona-Krise – Ursachen, Erscheinungsformen und Präventionsmaßnahmen Ein Beitrag zur Lage in Deutschland. *Veřejná správa a sociální politika* [online]. 2021, vol. 1, no. 2, p. 35–44. ISSN 2695-1231. DOI: 10.25142/vssp.2021.011.

BECK, W., SCISKALOVÁ, M., VÁCLAVÍKOVÁ, A. and HARASIMOVÁ, S. *Local and regional self-government in Czech Republic and Germany – a comparative study*. Ostbevern: Verlag Karla Grimberg, 2018. ISBN 978-3-941636-26-2.

BIRGUS, V. (ed.). *Opava school of photography: twenty years of the Institute of Creative Photography, Silesian University in Opava*. Opava: Silesian University in Opava, 2011. ISBN 978-80-7248-654-0.

EUROPEAN COMMISSION. *Proposal for a Regulation of the European Parliament and of the Council on a Single Market for Digital Services (Digital Service Act)*. Brussels: European Commission, 2020.

EUROPEAN COMMISSION. *Proposal. Law-giving competence bases on Art. 114 AEUV (measures to ensure effectiveness of internal market)*.

FACULTY OF PUBLIC POLICIES IN OPAVA. *About faculty – Contacts* [online]. Available from: https://www.slu.cz/fvp/en/contacts.

HARZ UNIVERSITY OF APPLIED SCIENCES. *Allgemeine Hinweise* [online]. Available from: https://www.hs-harz.de/fb-verwaltungswissenschaften.

HARZ UNIVERSITY OF APPLIED SCIENCES. *Das WiföLAB* [online]. Available from: https://wifoe-lab.hs-harz.de/konzept.html.

HARZ UNIVERSITY OF APPLIED SCIENCES. *Downloads – Forschung* [online]. Available from: https://www.hs-harz.de/hochschule/dokumente/downloads-forschung.

HARZ UNIVERSITY OF APPLIED SCIENCES. *ERASMUS+* [online]. Available from: https://www.hs-harz.de/studium/internationales/auslandsstudium/finanzierung-und-stipendien/erasmus.

HARZ UNIVERSITY OF APPLIED SCIENCES. *International Office* [online]. Available from: https://www.hs-harz.de/en/university/about-us/facilities/international-office.

HARZ UNIVERSITY OF APPLIED SCIENCES. *PubliCConsult* [online]. Available from: https://www.publicconsult.org/.

HARZ UNIVERSITY OF APPLIED SCIENCES. *Willkommen am Promotionszentrum SGW* [online]. Available from: https://www.hs-harz.de/forschung/promotionszentren/sgw.

JOHN-CAGE-ORGEL-KUNST-PROJEKT HALBERSTADT [online]. Available from: https://www.aslsp.org/.

KOLAŘÍKOVÁ, M. Assistance to individuals with mental disabilities and behavioral disorders during fidgetiness. *Social Pathology and Prevention*. 2021, vol. 7, no. 2, p. 65–69. ISSN 2464-5877.

KOLAŘÍKOVÁ, M. Sibling of Disabled Child at the Inclusive School. *Journal of Community Medicine & Health Education* [online]. 2018, vol. 8, no. 2. ISSN 2161-0711. DOI: 10.4172/2161-0711.1000609.

KOLAŘÍKOVÁ, M. *The Needs of Families with Children with a Disability*. Saarbrücken: LAP LAMBERT Academic Publishing, 2018. ISBN 978-613-9-58318-8.

Landkreis Harz [online]. Available from: https://www.kreis-hz.de/.

Moravian-Silesian Region: A Region of Many Stories [online]. Ostrava: Moravian-Silesian Region, 2021. Available from: https://www.msk.cz/.

PALÚŠ, I. and SCISKALOVÁ, M. Municipal legislation in the Czech Republic and the Slovak Republic. *Central European Papers* [online]. 2022, vol. 10, no. 1, p. 25–42. ISSN 2336-369X. DOI: 10.25142/cep.2022.002.

REHMET, F. et al. *Bürgerbegehrensbericht 2018* [online]. Berlin: Mehr Demokratie, 2018. Available from: https://www.mehr-demokratie.de/fileadmin/pdf/2018-12-04_BB-Bericht2018.pdf.

RESEARCHGATE. *Silesian University in Opava: recent publications* [online]. Available from: https://www.researchgate.net/institution/Silesian_University_in_Opava.

Silesian University in Opava [online]. Available from: https://www.slu.cz/slu/en/.

SILESIAN UNIVERSITY IN OPAVA. *General Information* [online]. Available from: https://www.slu.cz/slu/en/suopava.

SLEZSKÉ DIVADLO OPAVA. *Program* [online]. Dostupné z: https://www.divadlo-opava.cz/program/.

Verwaltungsgericht Freiburg, Urteil vom 16.06.2021 – 1 K 5140/18: Fernwärme, Anschluss- und Benutzungszwang. *KommJuR*. 2021, no. 9, p. 355–360. ISSN 1613-0235.

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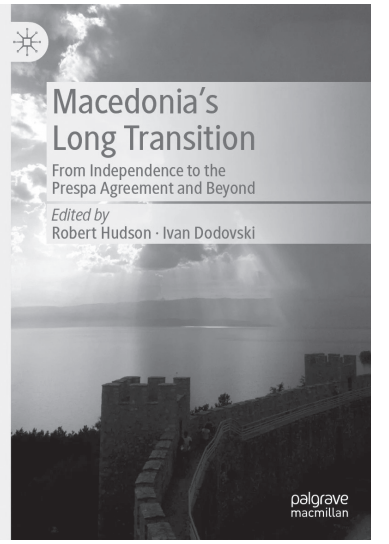
NEWLY ISSUED PUBLICATIONS

MACEDONIA'S LONG TRANSITION: FROM INDEPENDENCE TO THE PRESPA AGREEMENT AND BEYOND

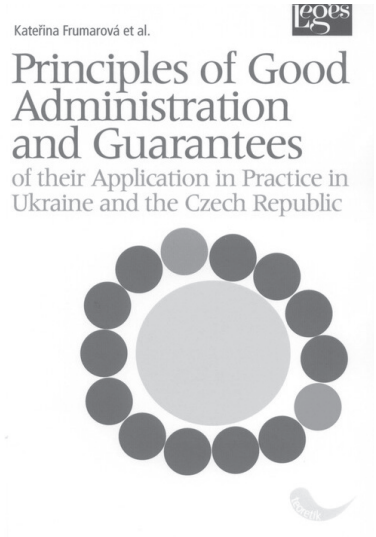
Robert Hudson, Ivan Dodovski (eds.)
Cham, Switzerland: Palgrave Macmillan, 2023, 248 pages, ISBN 978-3-031-20772-3



This book provides a broad, interdisciplinary analysis of events impacting on North Macedonia since its independence, particularly during the last decade. In the past thirty years, the country has gone through deep political, social and economic transition, along with a name change from 'Macedonia' to the 'Republic of North Macedonia' following the Prespa Agreement signed with Greece. The contributors consider Macedonia's challenges, its multi-ethnic make-up and its ambition to enter the European mainstream through the auspices of the European Union and NATO. The volume includes chapters on international politics and North Macedonia's place in the region's security architecture as well as the difficulties of the privatisation of socially owned enterprises, political corruption, state capture and backsliding. The book also covers the controversial 'Skopje 2014' project in addition to the impact of migration along the 'Balkan Route' and the current wranglings with Bulgaria over identity politics.

PRINCIPLES OF GOOD ADMINISTRATION AND GUARANTEES OF THEIR APPLICATION IN PRACTICE IN UKRAINE AND THE CZECH REPUBLIC

Kateřina Frumarová et al.
Prague: Leges, 2024, 168 pages, ISBN 978-80-7502-728-3



The publication focuses on a critical analysis of the state of public administration in both countries, as well as on the individual principles of good administration, their legal anchoring, and their practical application. At the same time, attention is also paid to selected guarantees of the realization of good public administration in practice, in particular judicial control and the powers of the ombudsman.
The main objective is to contribute to a wider awareness of the principles of good public administration, their consistent application in practice and mutual inspiration and improvement of the situation in public administration in both democratic countries.

DEZINFORMÁCIE: TEORETICKÉ VÝCHODISKÁ ICH SKÚMANIA

Radoslav Ivančík
Praha: Leges, 2024, 188 strán, ISBN 978-80-7502-769-6

Dezinformácie patria medzi **najdiskutovanejšie pojmy v súčasnej ľudskej spoločnosti**. Hoci existovali v každom historickom období, v prvých dekádach tohto storočia došlo k ich bezprecedentnému rozšíreniu. Tento nárast úzko súvisí najmä s dynamickým rozvojom moderných informačných a komunikačných technológií, systémov a zariadení.

Napriek tomu, že **dezinformácie majú potenciál významným spôsobom ovplyvňovať politické, ekonomické, sociálne či bezpečnostné dianie**, akademický záujem o tento fenomén bol prekvapivo dlho pomerne obmedzený a len málo iniciatív sa pokúsilo vytvoriť ucelený teoretický rámec na ich pochopenie. Z tohto dôvodu autor monografie v rámci interdisciplinárneho vedeckého výskumu prispieva k rozvíjajúcemu sa akademickému diskurzu o dezinformáciách a k objasneniu tohto čoraz častejšie sa vyskytujúceho fenoménu v modernej informačnej spoločnosti.

Monografia je určená čitateľom z radov akademickej obce, výskumnej sféry, odborníkom z praxe, ale aj ďalším záujemcom o problematiku dezinformácií.

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