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SLOVAK REPUBLIC; NATION AND STATE

Bibiána Uhrínová – Ľudmila Uhrínová*

ČIČ, M.: *Národ a štát*. Martin : Vydavateľstvo Matice slovenskej, 2012. 238 p. ISBN 978-80-8128-040-5.

A book "Nation and State" (in national coordinates and state interests) is the latest work among many publications written by **Dr.h.c. prof. JUDr. Milan Čič, DrSc.** He has worked as a professor, the director and the vice-president of the Slovak Academy of Sciences, a deputy, the Minister of Justice, the Prime Minister of the Slovak government, the member of the Federal Assembly of the Czech and Slovak Federal Republic, the vice-president of the Czech and Slovak Federal Republic, the chairman of the Constitutional Committee, the first president of the Constitutional Court of Slovakia. During **Ivan Gašparovič's** administration he was performing as the Head of the Office of the President of the Slovak Republic. He describes his view on different political topics and contemporary issues. The book is structured into chapters whose names and contents are, indeed, very similar.

To begin with, author argues that Slovakia is a sovereign, democratic and legal republic. The Preamble of the Constitution of the Slovak Republic is a document which has spiritual, cultural, moral and legal importance. It recalls historical values of the Slovak nation and represents unity of Slovak society disregarding a nationality. Its importance is often forgotten. The main wall stone of Slovak statehood is patriotism. The Constitution of the Slovak Republic is a fundamental law consisting of a state and a national interest. It is interior volitive value. Conscience is the centre of its decision. In spite of this fact, the Constitution endured critiques from politicians and political scientists. Then **M.**

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Čič gives some suggestions to change it. For example he proposes to reduce a number of members of the Parliament of the Slovak Republic. Not only does he accept the change of the Constitution, but also he can imagine passing of the new one. He also appeals to adopt a long-term strategy of the Slovak Republic what would consolidate the political scene. Ruling parties produce serious doubts between their voters, because they promise them what they are not able to accomplish. He warns that it could eventually lead to social civil disorder.

In addition, he mentions the times shortly after the creation of the Czech and Slovak Federal Republic. He comments decisions which were made at that time with implications as well (for example insufficient crime prevention). Subsequent development did not presume that a poor social sphere or homeless people would exist. **M. Čič** critically evaluates the people who do not provide relevant information about this period.

Furthermore he notes that the state has been changing many times, i.e. in the period of an entry into international politics. During this term he worries about a decline of morale, disruption of relations among people. He considers lack of preparation to face global crises or usage of public finance to be serious problems. For current Slovakia is significant absence of strategic management, short-term solutions or neglect of the situation in which most of inhabitants live. Slovakia must solve the situation in social welfare, unemployment, taxes, a health system, an educational system and consequences of the public administration reform from 2004. According to **M. Čič** the proportion of poor people, a regional divergence, absence of ethics and high unemployment of university students are key issues in Slovakia.

Also, the Slovak republic became the member of the EU in 2004 and it joined the Eurozone in 2009. **M. Čič** has his strong points associated with membership in the EU and participation in the European Stability Mechanism. Slovakia is dependent on foreign cooperation. Due to this fact Slovakia should be financially solidary with the states which are endangered by the European debt and financial crisis. He emphasises that we should not say YES with underlying the word NO. He adds that our participation should not have an impact on our citizen's rights, especially social and medical ones. Our authorities should take decisions with respect to real Slovak possibilities. **M. Čič** points out an interior debt problem, financing and fulfilling duties of the public administration.

He additionally details a special place for democracy which is the object of many clashes. The Constitution is determinant for democracy, because it

contains a system of human rights and freedoms. Democracy is an essential quality of the political system. The concept represents an establishment of ethical legal norms and the whole system. He is concerned with an electoral system and election results which are significant for our citizens. However, he suspects that our electoral system allows political parties to exert political manipulation of the results of a citizen's electoral right. Coalitions are quite frequent in Slovakia, but they are without any common content and programme principles. They focus on attaining a decisive power. **M. Čič** also criticises democracy associated with the elections, because nobody creates an electoral model, configuration of state authorities and their democratic governance in compliance with the function of democracy - to fulfil the role in the interests of people and society. He comments the first-pass-the-post principle used in our electoral system because he deems it is inappropriate for its inefficiency and injustice. The majority is not always the majority. Its decisions are not right all the time (for example adopting a law and its subsequent invalidation by the Constitutional court).

Our law went through a long difficult development. During process of legislation and its later operation came along the various problems (for example military law). We can find the qualitative changes of this period and we can see their implications in present-day courts. He was surprised at the situation in our judiciary in the connection with the last cases (the wages of the judges of the Special Court, discrimination, applications, compensation)

He noted that the judicial system is a basic column of a democratic, legal and social state. His suitable solution of the situation proposes to create an objective work group who should verify effectiveness and quality of the special and general judges' work. He remarks that the state and the Judicial Council of Slovakia are responsible for such situation in our judicial system. The Minister of Justice and the president of the Supreme Court of the Slovak Republic should not be fellows of the Council. He definitely demands reinstatement of a Senate (3 or 5 members) like a decisive authority in courts. He also suggests the establishment of the system with a view to prevent political, party political or other influences. He emphasises the fact that the state is not a trustworthy unit without the constitutional judicature. He describes competences of the Constitutional Court of Slovakia and he analyses parts of the amendment act of the Court. He argues that the amendment was ahead of its time and it represents only one period of our statehood.

Criminal responsibility is other important topic in his book. A lot of new kinds

of crimes have been coming into existence, especially economic ones (for example new relationships within the EU). Therefore, it is necessary to edit the Code of Criminal Procedure and the Criminal Code. In book, he often underlined an importance of the prevention.

He did not forget to reproach that Slovakia does not meet its obligation in context of the criminal responsibility to the OECD from 1999. Slovakia is the national state, but Slovak laws are subordinate to the European law, because we joined the EU. This fact could cause the problem in the future. Our Constitution does not establish exact conditions for this type of encroachment. He adds that relationship between Slovakia and the EU is uncovenanted when speaking of sovereignty.

Moreover, he did not avoid a sensitive issue such the Treaty of Trianon or a double citizenship. The first issue he totally disagreed with revisionist effort in respect of the Treaty and dishonouring from the side of certain Hungarian people living in Slovakia. He precisely describes the rights of minority and ethnic groups which are guaranteed by the Constitutional law No. 133. He solved the second task by using different legal sources, but mainly two documents: The European Convention on Nationality and the Treaty of Lisbon. He tried to disprove any hints of discrimination of national minorities. He refuses a contractual structure of these relations. The legal situation between Slovakia and contemporary Hungary is not in accordance with the European Convention on Nationality.

Then **M. Čič** emphasised that a paradigm about a present-day and a new era of social development has questionable formulation. He speculates about a correct model for Slovakia- capitalism, socialism, neocapitalism, neoliberalism or something else. He contemplates the three types of macro-regions advocated by **Koloman Ivanička** in his book "European trends and our perspectives and interests in integrating Europe" – Agoria, Ecodemia, Arcadia. He chose Arkadia (Third world economics) as the most acceptable form for us. However, he adds that model principles should be modified as per the Constitution of Slovakia and social state theory.

He thought about science too. He asserts that the "science is required, because of its research works and projects". Interdisciplinary methodology is very important for the research. The problem is to define models of organisation of states nowadays. New fields have been coming into existence in science, for instance nanotechnology, bioethics or biomimetics. **M. Čič** imperatively demands to eliminate a party line in Slovak science. He initiates founding of

new research centres. He mentions that their position is insufficiently appreciated in technical and nature science. They have been discriminated and they will be discriminated. Their contribution resides in knowledge of certain social, spiritual cultural and other relations and problems.

To conclude, the book provides its readers with an opportunity to find answers on various questions in connection with the Slovak Republic which are normally mentioned in the media. They are professionally analysed by the highly experienced man. Explanations and observations of academician **Milan Čič** are substantiated by the accurate legal argumentation. It is designed for vocational community and students of Political Science or Law.