

Discourses of Ethics. 2026, 1(29): 35–56

ISSN 2311-570X (online)

permanent link:

http://theoreticalappliedethics.org/wp-content/uploads/2026/04/DE2026_1_29_35-56.pdf

DOI: 10.24412/2311-570X-2026-1-35-56

CONSTITUTIONAL REFORMS IN SLOVAKIA: THE ETHICAL ROLE OF THE PRESIDENT OF THE REPUBLIC

Tavi Leila

received 06.01.2026

accepted 27.03.2026

published (online) 28.04.2026

© Tavi Leila

PhD, Department of Law,

Economics and Political Science, Guglielmo Marconi University, Rome, Italy

Correspondence to: leila.tavi@uniroma3.it

This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License (CC BY-NC 4.0)

Abstract: This article examines the constitutional evolution of the Slovak Republic through the lens of ethical responsibility and institutional balance, focusing on the role of the President of the Republic within a formally parliamentary system marked, at specific moments, by premier-presidential or neo-presidential dynamics. The Slovak constitutional framework is characterised by a flexible amendment procedure and by the coexistence of the Constitution and constitutional laws operating at a comparable normative level. While this structure allows rapid adaptation to political change, it also exposes the system to heightened instability, politicisation, and the erosion of constitutional guarantees. Within this context, the President, despite limited formal powers in constitutional revision, emerges as a key actor through moral suasion, public discourse, and indirect engagement with constitutional review. The paper argues that the President's function should be understood primarily as a *super partes* authority, whose ethical responsibility becomes crucial when formal

checks and balances are weakened. By analysing constitutional amendments, political crises, and evolving presidential practices, the study highlights the risks that arise when the ethical dimension of constitutional governance is undermined. The Slovak case thus offers a valuable perspective for comparative constitutional studies on the relationship between legal structures, political agency, and moral responsibility in contemporary democracies.

Keywords: Slovakia, Constitutional Reform, President of the Republic, Premier-Presidential System, Ethical Responsibility, Constitutional Balance.

1. Introduction

Constitutional analysis has traditionally privileged formal competences, institutional hierarchies, and procedural safeguards as the primary instruments for assessing constitutional stability and democratic resilience. On this view, constitutional power is predominantly understood as a function of legally defined authority, exercised through clearly delineated instruments of control and accountability. While this approach remains analytically indispensable, it proves insufficient in systems of constitutional governance characterised by normative flexibility, ambiguous hierarchies of constitutional norms, and underdetermined mechanisms of judicial review. In such contexts, the effectiveness of constitutional governance cannot be explained by legal formalism alone.

Where formal constitutional restraints are thin, weakened, or structurally indeterminate, ethical responsibility operates as an informal yet indispensable safeguard. The notion advanced here is not a lofty ideal detached from practice, but a practical ethic of office that is internal to constitutional roles and guides how power is interpreted. It tempers ambition and helps manage constitutional stress. On a deontological reading, this ethic stems from the intrinsic duties of office: political actors are accountable both for outcomes and for fidelity to constitutional principles, notably the rule of law, the separation of powers, and fundamental rights, regardless of expediency. Responsibility therefore appears less as a calculus of consequences than as loyalty to duty.

Crucially, this ethic does not stand in competition with law; it works within the seams of the legal order, compensating for the gaps that formal controls inevitably leave. When hierarchies of norms fail to offer clear guidance, the discipline of office, understood as a self-binding commitment to constitutional integrity, helps sustain institutional balance. Role-based responsibility, in this sense, is neither decorative nor merely aspirational. It is a constitutive condition of constitutional government, shaping judgement,

tempering ambition, and guiding action when the text falls silent and only the office-holder's sense of duty remains. For the purposes of this discussion, responsibility is conceived as a normative capacity to answer for the exercise of constitutional power beyond the limits of legal accountability. It entails the obligation to justify decisions by reference to constitutional values, institutional roles, and foreseeable consequences, even where no direct legal sanctions apply. Responsibility thus brings together answerability, restraint, and an orientation towards the common good, serving as a bridge between formal authority and ethical judgement. To explore this interplay, the Slovak Republic provides a particularly apt case. Rather than being treated as a marginal or exceptional example, Slovakia is analysed here as a paradigmatic case-study of a constitutional order in which the combination of accessible amendment procedures, the coexistence of constitutional norms of equivalent legal force, and the absence of a fully articulated system of substantive constitutional review has generated persistent tensions between flexibility and stability. These structural features have rendered the constitutional landscape especially vulnerable to politicisation, thereby amplifying the significance of informal constraints on power.

Within this framework, the President of the Republic occupies a distinctive position. Despite limited formal competences, particularly in relation to constitutional amendments, the President has repeatedly acted as a super partes authority, exerting influence through public argument, persuasive authority and symbolic legitimacy rather than through direct legal control. The Slovak experience demonstrates that presidential authority, in such a system, cannot be adequately assessed by reference to formal powers alone. Instead, it must be understood as a form of ethical agency operating within constitutional practice, capable of moderating institutional conflict, mobilising public scrutiny, and reinforcing constitutional values in moments of political and normative uncertainty. The theoretical contribution of this article lies in reconceptualising constitutional power beyond a purely legalistic paradigm. By integrating this ethical dimension into the examination of constitutional governance, the study advances a normative perspective that

bridges constitutional theory and political ethics. It suggests that, in flexible constitutional systems, democratic stability rests on institutional design and on the ethical quality of constitutional behaviour. The Slovak case thus provides broader insights into the moral foundations of constitutional authority and invites a re-evaluation of how constitutional safeguards are conceptualised in contemporary democracies.

2. Constitutional Context of the Slovak Republic

The Slovak constitutional experience provides a particularly illustrative case of this dynamic. While firmly embedded in the continental legal tradition, marked by the centrality of written law and a structured hierarchy of normative sources, the Slovak legal system exhibits institutional features that challenge conventional assumptions about constitutional rigidity and control. The Constitution of the Slovak Republic (*Ústava Slovenskej republiky*) was adopted by the Slovak National Council (*Slovenská národná rada*) on 1 September 1992 and formally signed on 3 September in the Knights' Hall (*Rytierska sieň*) of Bratislavský hrad, the historic castle overlooking Bratislava. It entered into force on 1 October 1992, with certain provisions becoming effective on 1 January 1993, coinciding with Slovakia's independence. Following the 1992 elections, the constitutional drafting process unfolded within parliamentary settings and through a government-appointed expert commission, the latter ultimately exercising predominant influence over the final version of the text. The final draft, prepared by a group of experts led by Milan Čič, was approved by a large parliamentary majority (114 votes out of 134).

Compared to other constitutions in Central and Eastern Europe, the Slovak Constitution displays a distinctive balance between rigidity and flexibility: while it enshrines core principles of modern constitutionalism, its amendment procedure remains relatively accessible, allowing constitutional revisions through a qualified three-fifths majority of the National Council of the Slovak Republic (*Národná rada Slovenskej republiky*). Tomáš Lalík has emphasised that the absence of a reinforced constitutional amendment procedure, such as a mandatory referendum or the involvement of multiple constitutional actors, renders the Slovak Constitution particularly vulnerable

to frequent revisions, often driven by contingent political interests [1]. This vulnerability is further exacerbated by the fact that the Slovak Parliament is vested with two distinct powers: amending the constitutional text and adopting autonomous constitutional laws that may diverge from the Constitution itself [2]. This structural feature has contributed to a proliferation of constitutional amendments, raising serious concerns regarding institutional stability and legal certainty.

Constitutional adaptability has invited the critique that the Slovak Constitution, though formally rigid, operates *de facto* as one of the more amendment-friendly charters in contemporary democracies, given the lack of robust procedural hurdles. Simultaneously, this elasticity of the constitutional order has generated a sustained academic debate, since the ease of amendment permits rapid legislative recalibration in response to shifting political circumstances. From a utilitarian standpoint, ethical responsibility is linked to the evaluation of the foreseeable consequences of constitutional action. Frequent and strategically motivated amendments may yield short-term political benefits while producing long-term institutional harm, including erosion of trust, legal uncertainty, and democratic instability [3]. Ethical restraint, on this view, works as a preventive means that minimises systemic harm to the constitutional order. Such dynamics risk weakening the stability of the institutional system, eroding public trust in democratic institutions and disturbing the overall constitutional balance. The relative ease of constitutional revision exposes the institutional setup to short-term political pressures, transforming it from a stable foundation of the legal system into a flexible instrument in the hands of a parliamentary majority. This tension between formal rigidity and practical flexibility is not merely theoretical; it has recently manifested in concrete political initiatives.

A pertinent example is the constitutional amendment approved by the National Council on 26 September 2025 under Prime Minister Robert Fico's government, is the constitutional amendment approved by the National Council on 26 September 2025 with 90 votes, thereby reaching the three-fifths requirement in the 150-seat chamber after two MPs from the

conservative opposition movement *Slovensko*, Marek Krajčí and Rastislav Krátky, broke ranks and supported the measure. The governing coalition (Smer-SD, Hlas-SD, SNS) counted 78 reliable votes and secured the margin only on the day of the vote, following weeks of manoeuvring and negotiations that also drew additional backing from the opposition—roughly a dozen MPs overall, with a notable role played by segments of the Christian Democratic Movement (KDH). President Peter Pellegrini signed the amendment shortly after its adoption, allowing it to enter into force on 1 November 2025. The promulgation was not accompanied by a significant public intervention encouraging constitutional debate or addressing the broader normative implications of the reform, reflecting a largely formal exercise of the presidential role [4].

The reform recognises only two biologically defined sexes; limits adoption to married couples; bans surrogacy; enshrines equal pay; requires parental consent for sexuality education beyond the national curriculum; and asserts State sovereignty, particularly regarding national identity, culture and ethics. The amendment combined heterogeneous provisions ranging from social guarantees to restrictions on family and reproductive rights, a legislative strategy that facilitated coalition-building across ideologically diverse parliamentary actors. Contemporaneous domestic and international accounts consistently documented these features and the vote arithmetic, noting that the requisite supermajority emerged only after last-minute defections; several outlets reported that Prime Minister Robert Fico framed the outcome as a strong barrier to progressive policy agendas. Observers likewise highlighted potential points of friction with EU law arising from the national-identity clause. Both before and after the vote, Council of Europe bodies (including the Venice Commission) voiced concerns about vague constitutional wording and rights impacts, while EU justice officials reiterated the primacy of EU law; a joint civil-society letter later asked the Commission to respond. The episode illustrates both the fragility and volatility of the current term: defections and tactical alliances have intermittently given the cabinet constitutional-level majorities, while also exposing the limits of day-to-day control over the agenda and the fragility of relying on ethical responsibility as an informal constitutional safeguard, since a presidency

that refrains from exercising public argument or normative leadership leaves the stabilising potential of the office largely unrealised. The resulting pressures carry material implications for the separation of powers, judicial independence, and the protection of fundamental rights, issues already under scrutiny in EU and Council of Europe fora and in the media. How the Constitutional Court reconciles the new clauses with treaty obligations, and how the government operationalises them in ordinary legislation, will shape the ensuing legal trajectory in the months ahead.

This institutional fragility derives from contingent political alignments as well as from deeper structural features of the Slovak constitutional order. One of the most distinctive features of the Slovak Constitution is the absence of an explicit “eternity clause” [5], that is, a set of foundational principles formally shielded from constitutional revision [6]. By contrast, the Czech Constitution expressly protects certain core elements of the democratic rule-of-law state from amendment. The Czech Constitution explicitly enshrines an “eternity clause” in Article 9(2), which prohibits changes affecting the essential requirements of a democratic, law-based state. The Czech Constitutional Court confirmed this interpretation in Pl. ÚS 19/08 (26 November 2008), emphasizing that even constitutional amendments cannot abolish these fundamental principles [7]. Since 2010, however, Slovak constitutional scholarship and the jurisprudence of the Constitutional Court (*Ústavný súd Slovenskej republiky*) have progressively articulated the concept of a “material core” of the Constitution [8], understood as a body of fundamental principles that cannot be altered without undermining the constitutional identity of the State [9]. Drawing inspiration from German and French constitutional theory, this concept has assumed growing relevance in the Slovak debate, particularly in response to politically motivated attempts to amend the Constitution.

In comparison with other European constitutional systems featuring more demanding amendment procedures, such as Germany and France, the Slovak constitutional settlement is frequently criticised for being prone to politicisation due to its excessive flexibility [10]. Over time, the Slovak Con-

stitutional Court has sought to constrain the instrumental use of constitutional revision by the legislature. In several landmark decisions, it has acknowledged the existence of immutable principles inherent to a democratic state governed by the rule of law, including the separation of powers and the protection of fundamental rights. In 2014, the Court explicitly identified these principles as forming the “material core” [11] of the Constitution and characterised them as intangible constitutional values (PL. ÚS 7/2018, para. 121). This doctrinal position was subsequently consolidated in decision PL. ÚS 21/2014 [12], in which the Court asserted its competence to review the conformity of constitutional laws with the Constitution’s material core. In PL. ÚS 21/2014 (30 January 2019), the Slovak Constitutional Court addressed three key questions: (1) whether the Constitution contains an implicit material core; (2) whether a constitutional amendment can violate that core; and (3) whether the Court has the competence to review such amendments. The Court answered all three in the affirmative, recognizing the existence of a *materiálne jadro* grounded in the principles of the rule of law and judicial independence. It further held that constitutional laws cannot contradict this core and that, in case of violation, the Court may declare the amendment invalid. In the specific case, provisions introducing extraordinary vetting of judges were deemed to undermine judicial independence and thus breach the *materiálne jadro* [13].

A significant number of Slovak constitutional scholars maintain that a substantive distinction exists between the Constitution and constitutional laws. Some advocate a formal differentiation grounded in Articles 86(a) and 84(4) of the Constitution, while others adopt a material approach based on the supremacy of the Constitution as affirmed in Article 152(4). Originally conceived as a transitional provision, this clause has come to perform a function comparable to that of the Supremacy Clause contained in Article VI of the United States Constitution. Academic discourse has consequently focused on the fundamental question of which institution is competent to review the constitutionality of constitutional laws. Scholars such as Radoslav Procházka [14] limit this inquiry to the notion of the material core, arguing that it is too abstract to serve as an effective standard of review, while nonetheless acknowledging its implicit grounding in Article 32 of the

Constitution. Other scholars, including Ján Drgonec, contend that the Constitutional Court may exercise such review pursuant to Article 124 [15]. This debate has played a decisive role in shaping Slovak constitutional jurisprudence and provided the theoretical basis for the Constitutional Court's 2019 decision, which had a significant impact on the constitutional settlement and generated tensions with the legislature. In response, the legislature curtailed the Court's power to assess the legitimacy of constitutional amendments in 2020, a controversial measure that remains under review.

Before 2020, the Constitutional Court of the Slovak Republic had the authority to review the conformity of all legal norms, including constitutional laws, with the fundamental principles of the Constitution, stated in Article 125(4). The 2020 reform introduced an unprecedented restriction by stipulating that constitutional laws are no longer subject to constitutional review, thereby allowing Parliament to adopt them without any oversight from the Constitutional Court [16]. This development has raised serious concerns regarding the balance of powers and the Court's capacity to safeguard the fundamental principles of the Slovak constitutional order. Against this backdrop, Article 84(4) of the Slovak Constitution is the sole provision that prescribes a procedure for adopting constitutional laws different from that for ordinary legislation. Beyond this, there are no formal or substantive constraints on the amendment process, nor any limits on Parliament's power to revise the Constitution. Richard Albert classifies this model as an example of legislative entrenchment, a system in which constitutional revision requires a qualified majority but no additional procedural safeguards [17]. This form of constitutional entrenchment ranks among the least rigid on a five-point scale, which ranges from legislative non-entrenchment to indefinite constitutional entrenchment, where amendments face near-absolute restrictions.

Within this complex institutional landscape, the role of the President of the Republic acquires particular significance, not as a source of formal constitutional authority, but as a bearer of ethical agency within a structurally fragile system of checks and balances. Despite possessing limited formal

powers in comparison with other constitutional actors, the President may function as a stabilising force and a super partes authority in defence of constitutional balance. The Constitutional Court's attempts to restrain instrumental constitutional change are symptomatic of broader challenges faced by European democracies in preserving institutional stability and the rule of law. The legislative restriction introduced in 2020 was widely criticised for undermining constitutional review and effectively granting Parliament the ability to amend the Constitution without substantive constraints. A virtue-ethical approach may further illuminate the Slovak case by drawing attention to the character, judgment, and practical wisdom (*phronesis*) expected of constitutional actors in moments of institutional stress [18]. Ethical responsibility is here understood as a disposition associated with constitutional office, institutional tradition, and role-based expectations, manifesting itself in prudence, moderation, and a commitment to constitutional balance rather than partisan advantage.

The stabilising role of the President in moments of constitutional stress can thus be interpreted as an expression of institutional virtue rather than formal authority. The ongoing dialogue surrounding the material core of the Constitution and the prerogatives of the Constitutional Court continues to occupy a central place in Slovak constitutional politics. In this context, the President may influence constitutional discourse by virtue of their role as guarantor of national unity and institutional continuity. The central challenge remains the reconciliation of legislative power with judicial oversight in order to prevent constitutional change from jeopardising democratic integrity and institutional stability. While constitutional adaptability is essential in responding to social and political change, the absence of effective counterbalances risks transforming flexibility into a source of constitutional vulnerability rather than protection.

3. Presidential Authority within the Slovak Constitutional Order

Elected by direct popular vote for a five-year term, the President of the Slovak Republic primarily serves a representative function. Nevertheless, the office carries a significant political weight within the Slovak institutional or-

der, particularly with regard to the balancing of legislative power and the public debate surrounding constitutional reforms [19]. In comparative terms, the President's authority may be classified as a form of moderate presidential power, comparable to that found in other Central and Eastern European states such as the Czech Republic and Poland, yet clearly less extensive than in systems characterised by strong presidentialism, such as France [20]. In normative terms, this configuration is significant because it decouples constitutional relevance from the possession of extensive formal powers. The Slovak President matters not as a sovereign decision-maker, but as an office-holder whose responsibility is tied to restraint, justification, and the public articulation of constitutional limits. In this sense, the presidency embodies a form of role-based ethical responsibility: its authority depends less on coercive capacity than on its ability to sustain constitutional confidence at moments when the legal system alone offers insufficient guidance.

In Slovakia, constitutional amendments must be adopted by Parliament through a qualified three-fifths majority, without granting the President the power to initiate constitutional revisions or to exercise a definitive veto over constitutional reform. As a result, presidential influence in this domain operates primarily through indirect modalities. The President lacks formal instruments allowing him or her to block or amend constitutional changes. Anchored in *auctoritas* rather than *potestas*, this institutional figure retains political relevance, particularly through the non-coercive force of *morálna autorita* (moral suasion). [21].

The President may publicly criticise proposed constitutional amendments, thereby exerting pressure on public opinion and parliamentary actors, and may also act as an intermediary within the political debate by promoting dialogue among parliamentary forces and facilitating compromise-oriented negotiations. Institutional prestige further enables the President to reframe decision-making processes, especially in cases where constitutional reforms are perceived as threatening the fundamental principles of the rule of law. In such circumstances, the President may draw international attention

to the issue by engaging supranational bodies and European institutions, thereby increasing political and diplomatic pressure on the parliamentary majority, even in the absence of direct legislative intervention. The ethical significance of such intervention may be understood on several levels. At a duty-based level, the President is expected to uphold the constitutional order independently of immediate political convenience. At a consequential level, presidential silence or passivity may facilitate institutional harm by allowing constitutionally sensitive reforms to proceed without sufficient scrutiny. At the level of institutional character, the office presupposes prudence, moderation, and judgment, especially where legal competences are weak but symbolic authority remains strong. The Slovak case illustrates what the President can do and what the President is expected to represent within the constitutional imagination of the polity.

Over time, the relationship between the President and the Slovak Parliament has evolved towards a more pronounced institutional dialectic. One of the most visible aspects of this evolution lies in the growing willingness of Presidents to intervene publicly in debates on matters of constitutional significance, frequently opposing reforms perceived as endangering democratic equilibrium. For example, Rudolf Schuster, who held office from June 1999 to June 2004, sought to interpret the presidential role as being close to the people and did not hesitate to criticise the government in this capacity [22]. By contrast, Ivan Gašparovič, who served from June 2004 to June 2014, pursued a mandate centred on consensus-building and institutional stability, avoiding divisive positions and favouring an inclusive and non-confrontational rhetoric. His communicative strategy relied on a paternalistic, statesman-like approach, aimed at strengthening the bond between citizens and institutions, emphasising traditional values and a form of cultural nationalism devoid of radical overtones [23]. These contrasting presidential styles unfolded within a constitutional framework whose structural characteristics have profoundly influenced the relations between the executive and the legislature.

This constitutional context must be understood against the backdrop of a system marked by a proliferation of constitutional laws, which has contributed to a more fluid yet less stable legal order. Such structural flexibility

limits presidential prerogatives while simultaneously allowing for substantial institutional change in the absence of robust constitutional oversight. The fragility of this settlement has been particularly evident during periods of political cohabitation, notably between 2004–2006, 2010–2012, and from 2019 onwards. During these phases, conflicts between the President and the Prime Minister, often moulded more by personal factors than by substantive ideological divergence, nevertheless generated institutional tensions, raising concerns regarding the compatibility of such arrangements with the principle of separation of powers and overall constitutional stability. In this context, Article 102(e) of the Slovak Constitution grants the President the power to dissolve Parliament, but only under specific circumstances, such as the inability to form a government or the prolonged suspension of parliamentary proceedings.

This institutional fragility was dramatically exposed in the political crisis that followed the fall of Iveta Radičová's government in 2011. Owing to political fragmentation, Parliament proved unable to form a new executive, prompting the adoption of an ad hoc constitutional act (*Ústavný zákon č. 330/2011 Z. z.*) enabling early elections. Despite this measure, uncertainty persisted regarding the management of executive authority until the installation of a new government. Article 115 of the Constitution authorises the President to dismiss the government following a vote of no confidence or the rejection of a request for confidence and allows the outgoing executive to remain in office for routine administration pending the appointment of a successor. However, as the Constitution did not explicitly regulate the powers of a government that had lost parliamentary confidence, political institutions opted to resolve the impasse through a further constitutional amendment (*Ústavný zákon č. 356/2011 Z. z.*).

This amendment triggered political and academic debate concerning the possible introduction of a semi-presidential model in Slovakia [24]. Although the measure was temporary and case-specific and did not result in a structural transformation of the parliamentary system, it nonetheless introduced an unprecedented mechanism affecting the dual structure of execu-

tive power. Executive competences were reorganised into three distinct categories: powers exercisable independently by the outgoing government; powers requiring case-by-case presidential consent; and powers entirely suspended until the formation of a new executive. This institutional pattern appears anomalous within a parliamentary republic, where the head of state traditionally performs a symbolic role and acts subject to ministerial countersignature. By virtue of the amendment, the President acquired an active supervisory role over certain executive actions, thereby enhancing presidential authority, at the expense of parliamentary oversight, and narrowing the autonomy of a government no longer accountable to Parliament.

The amendment thus introduced elements of neo-presidentialism into the Slovak constitutional regime. Peter Horváth identifies three principal issues arising from this expansion of presidential authority [25]. First, responsibility for executive actions becomes ambiguous, since a government that has lost parliamentary confidence is no longer politically accountable, while the President, whose political responsibility is inherently limited, assumes an indirect role in executive decision-making. Second, the constraints imposed on the outgoing government significantly curtail its operational capacity, generating legal uncertainty in situations where such arrangements persist for extended periods. Third, the constitutional scheme fails to clarify how executive authority should function in the event of presidential incapacity or vacancy, leaving unresolved questions regarding ministerial status and dismissal procedures. During periods of political crisis, the executive nonetheless retains autonomous control over essential functions such as economic and social policy, public administration, and the appointment of lower-ranking officials. Other competences, however, are subject to presidential authorisation, reinforcing the President's supervisory role. For example, the appointment of ambassadors, the calling of national referenda, and the ratification of international treaties require presidential approval, thereby limiting executive autonomy in diplomatic affairs. Certain prerogatives, such as the appointment of high-ranking judicial officials and the unilateral adoption of emergency decrees, were removed altogether from governmental authority and reassigned to other institutional actors. Among these, Parliament has acquired a stronger role in overseeing extraordinary measures,

being required to ratify or reject decrees within a specified period. Moreover, in certain exceptional situations, the President may intervene through supervisory authority by approving or rejecting the adoption of extraordinary measures [26].

Overall, the 2011 constitutional amendment significantly reinforced the position of the President, introducing neo-presidential elements while simultaneously weakening parliamentary control procedures. It was adopted rapidly, within a four-hour parliamentary session. This speed underscored its legal and political fragility. While the reform provided a pragmatic solution to an unprecedented crisis, it also generated systemic contradictions that undermine the coherence of the Slovak parliamentary model. By granting limited powers to a government lacking parliamentary confidence and subjecting key executive actions to presidential consent, the amendment altered the principle of political accountability, placing the executive in an ambiguous position: no longer fully legitimised by Parliament, yet not independent from presidential influence [27]. This institutional setting departs from the classical parliamentary model, in which governmental accountability is primarily directed towards the legislature. The presidential role has evolved from a largely ceremonial office constrained by ministerial counter-signature to a central executive actor. This transformation signals a neo-presidential drift without a corresponding clarification of responsibility [28]. From an ethical perspective, this ambiguity is especially revealing. A constitutional actor may acquire greater practical influence precisely at the moment when the lines of accountability become less transparent. This creates a tension between power and responsibility: the President may be called upon to stabilise the system, yet without a fully corresponding increase in answerability. The Slovak experience thus illustrates a broader constitutional problem: institutional crises often expand the discretionary relevance of offices before the normative standards by which their conduct should be judged are clarified. The President's capacity to influence the legislative process is further enhanced by direct popular legitimacy, which confers symbolic authority and a privileged channel of communication with

citizens. This legitimacy enables the President to articulate reservations regarding constitutional reforms and to amplify public debate, at times placing Parliament under significant political pressure. These forms of intervention have been particularly evident in instances where Presidents openly criticised legislation or constitutional amendments deemed detrimental to democratic governance, seeking to mobilise public consensus in response.

Despite this enhanced visibility, presidential intervention does not consistently translate into an effective capacity to halt or reshape legislative processes. The evolving relationship between the President and Parliament in Slovakia thus reveals a persistent tension between the formal limits of presidential authority and the aspiration to exert substantive political influence [29]. While lacking powers comparable to those of Parliament, the President nonetheless operates as a catalyst within the constitutional order, leveraging institutional visibility to set the terms of public discourse and to raise awareness of issues central to democratic stability. The introduction of direct presidential elections in 1999 was conceived in response to prolonged parliamentary deadlock. The reform then consolidated the process by which the office accrued enhanced symbolic legitimacy.

4. Conclusions

The analysis of the Slovak constitutional environment highlights the structural vulnerabilities that may arise in democratic orders characterised by high degrees of normative flexibility and indeterminate constitutional hierarchies. While formal constitutional design remains a crucial element of democratic governance, the Slovak case demonstrates that institutional architecture alone cannot guarantee constitutional stability where amendment procedures are readily accessible and substantive limits to constitutional change remain weakly articulated. In such settings, the erosion of formal safeguards increases the risk of politicisation and places considerable strain on traditional arrangements of checks and balances.

Against this backdrop, ethical responsibility constitutes a critical, albeit informal, dimension of constitutional governance. Viewed through the lenses of deontological duty, consequentialist assessment, and vir-

tue-based judgment, ethical responsibility emerges as a multidimensional concept that cannot be reduced to a single normative paradigm. Its constitutional relevance lies precisely in its capacity to integrate rule-based obligations, sensitivity to systemic consequences, and the ethical quality of institutional conduct. Rather than functioning as an external moral constraint, it is embedded within institutional roles and manifests itself through practices of restraint, public justification, and normative leadership. It becomes particularly salient when legal channels fail to provide clear or authoritative limits to political action. The Slovak experience illustrates how ethical considerations may acquire constitutional relevance precisely in moments of institutional ambiguity and constitutional stress.

The role of the President of the Republic is central to this institutional dialectic. Despite the absence of decisive formal powers in the field of constitutional revision, the Slovak President has repeatedly operated as a *super partes* authority, mediating institutional conflict and reinforcing constitutional values through moral suasion, public discourse, and symbolic legitimacy. This form of authority does not derive from hierarchical legal supremacy, but from the ethical expectations attached to the presidential office within a fragile constitutional environment. As such, presidential influence cannot be adequately captured by conventional analyses focused solely on competences and procedural prerogatives.

At the same time, the Slovak case also reveals the inherent fragility of ethical safeguards. Ethical responsibility, while capable of compensating for deficiencies in formal constitutional controls, remains contingent upon the personal integrity of office-holders and the broader political culture in which institutions operate. Where ethical restraint gives way to excessive politicisation or alignment with partisan interests, the stabilising function of informal constitutional authority may rapidly erode, exacerbating institutional imbalance rather than mitigating it. This tension underscores the limits of relying on ethical responsibility as a substitute for robust constitutional safeguards.

From a theoretical perspective, the findings of this study invite a re-consideration of constitutional power as a multidimensional phenomenon that transcends formal legal authority. In constitutional systems marked by flexibility and structural indeterminacy, democratic resilience reflects a combination of constitutional architecture and the ethical quality of constitutional practice. The Slovak experience thus contributes to a broader theoretical debate on the moral foundations of constitutional governance, suggesting that ethical responsibility should be recognised as an integral component of constitutional consideration rather than a merely ancillary one.

In essence, this article does not propose ethical responsibility as an alternative to formal constitutional safeguards, but as a necessary complement to them. The Slovak case demonstrates that, in the absence of clear substantive limits to constitutional change, ethical restraint and normative leadership may temporarily uphold constitutional equilibrium. Yet lasting democratic stability requires a recalibration of both formal and informal structures of control, ensuring that constitutional governance rests on a balance between legal authority and ethical responsibility.

References

1. Ľalík, Tomáš. “The Slovak Constitutional Court on Unconstitutional Constitutional Amendment (pl. ÚS 21/2014).” *European Constitutional Law Review* 16.2 (2020): 328-343.
2. Erdősová, Andrea. “The Constitutional Development of Slovakia.” Csink, Lóránt and László Trócsányi, eds. *Comparative Constitutionalism in Central Europe: Analysis on Certain Central and Eastern European Countries*. Central European Academic Publishing, 2022: 149–172.
3. Sekerák, Marián. “Constitutional Amendments, Democratic Resilience, and the Threat of Political Regime Change: The Case of Slovakia.” *Communist and Post-Communist Studies* (2025): 1-24.

4. Csanyi, Peter. "Slovakia Political Briefing: The Review of Slovak Political Development in 2025." *Monthly Briefing of the China-CEE Institute*, 11 (2025): 7-10.
5. Hein, Michael. "Do Constitutional Entrenchment Clauses Matter? Constitutional Review of Constitutional Amendments in Europe." *International Journal of Constitutional Law* 18.1 (2020): 78-110.
6. Cecili, Marco. "La Costituzione: la vocazione all'eternità e le radici nella tradizione." Gasbarro, Tiziana, and Danilo Testa, eds. *Tempo. Tra esattezza e infinito*. Atti IX Convegno Interdisciplinare dei Dottorandi e Dottori di Ricerca, 14-16 giugno 2017. *UniversItalia*, 2019: 233-246.
7. Vyhnánek, Ladislav. "The Eternity Clause in the Czech Constitution as Limit to European Integration: Much Ado About Nothing?." *Vienna J. on Int'l Const. L.* 9 (2015): 240-252.
8. Čuroš, Peter. "Independence and Autonomy—Means Toward Ends: How Misconceived Independence Created an Isolated Judiciary in Slovakia." Reayat, Nauman, Rhona KM Smith, and Moohyung Cho, eds. *Judicial Independence in Transitional Democracies*, Routledge, 2024: 111-129.
9. Iancu, Alexandra, and Angela Tacea. "Le semi-présidentialisme dans les régimes post-soviétiques: triomphe et régression démocratique." *Pouvoirs* 184.1 (2023): 107-120.
10. Szakály, Zsuzsa. "Constitution-making and the Permanence of the Constitution." Csink, Lóránt, and László Trócsányi, eds. *Comparative Constitutionalism in Central Europe: Analysis on Certain Central and Eastern European Countries*. No. 3. Central European Academic Publishing, 2022: 199–222.
11. Trellová, Lívia, and Boris Balog. "The Material Core of the Slovak Constitution and Its Perspectives." *Balkan Social Science Review* 19 (2022): 137–155.
12. Lapčáková, Marta. "Ústava v ohrození - Zopár zamyslení nad jedným nálezom Ústavného súdu Slovenskej republiky (PL. ÚS 21/2014)." *Acta Facultatis Iuridicae Universitatis Comenianae* 38.1 (2019): 237–260.
13. Orosz, Ladislav. "Materiálne jadro slovenskej ústavy (môže ústavný súd preskúmať súlad ústavných zákonov s ústavou?)." Domaňska, Aldona, and Uniwersytet Łódzki, eds. *Zagadnienia prawa konstytucyjnego: Księga jubileuszowa dedykowana Profesorowi Krzysztofowi Skotnickiemu w*

- siedemdziesiątą rocznicę urodzin*. Tom 2. Wydawnictwo Uniwersytetu Łódzkiego, 2023: 523–538.
14. Procházka, Radoslav. *Ľud a sudcovia v konštitučnej demokracii. Vydavateľstvi a nakladateľstvi* Aleš Čeněk, 2011.
 15. Drgonec, Ján. *Ústava Slovenskej republiky: teória a prax*. CH Beck, 2015.
 16. Štiavnický Ján, and Max Steuer. “The Constitutional Court of the Slovak Republic: the many faces of law-making by a constitutional court with extensive review powers.” Florczak-Wątor Monika, ed. *Judicial law-making in European constitutional courts*. London: Routledge; 2020: 183–200.
 17. Albert, Richard. “Constitutional handcuffs.” *Ariz. St. LJ* 42 (2010): 663–715.
 18. Michelon, Claudio. “Practical Wisdom in Legal Decision-Making.” Amaya, Malia, and Hock Lai Ho, eds. *Law, virtue and justice*. Hart Publishing, 2012: 29–51.
 19. Giba, Marián. “Vplyv priamej voľby na ústavné postavenie prezidenta republiky na Slovensku.” *Acta Universitatis Carolinae Iuridica* 57.4 (2011): 101–113.
 20. Kujanen, Maarika. “Trust in President—A Different Case? Individual-Level Patterns of Trust in Political Executives in Central and Eastern Europe.” *East European Politics* 40.4 (2024): 637–657.
 21. Brunclík, Miloš, et al. *Power Beyond Constitutions: Presidential Constitutional Conventions in Central Europe*. Springer Nature, 2023.
 22. Schuster, Rudolf. *The Slovak Republic: A Decade of Independence, 1993–2002*. Bolchazy-Carducci Publishers, 2004.
 23. Paul, Jan, and Petr Kalinič. “Ceci n’est pas postsocialisme: the depoliticized politics of President Gašparovič.” *Středoevropské politické studie / Cent Eur Polit Stud Rev*. 2011; 13(4): 354–373.
 24. Brunclík, Milos, and Michal Kubát. *Semi-presidentialism, parliamentarism and presidents: presidential politics in Central Europe*. Routledge, Taylor & Francis Group; 2018.
 25. Horváth Pál, et al. “Exercise of the Presidential Powers in the Slovak Republic in a Comparative Perspective (1999–2019).” *Slovak J Polit Sci*. 2021; 21(1): 51–78.
 26. Krouwel, André. *The Presidentialisation of East-Central European Countries*. Paper presented at: ECPR Joint Sessions Workshop on the Presidentialisation of Parliamentary Democracies; 2000 Apr; Copenhagen, Denmark.

27. Ľalík Tomáš. "Tracing Constitutional Changes in Slovakia between 2008–2016". *Hung J Legal Stud.* 2017; 58(2): 117–138.
28. Káčer, Marek. "Shaping the Appointment Powers of the Slovak President under Constitutional Conventions". *Acta Politologica.* 2022; 14(1): 1–16.
29. Neumann, Jakub. "Limity diskrecie prezidenta Slovenskej republiky pri udeľovaní poverenia na zostavenie vlády." *Justičná revue* 73.3 (2021): 382–394.