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Effective Public Administration as a Tool for Building Smart Cities: The Experience of the Slovak Republic

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Abstract: This study focuses on examining the requirements forming the concept of the right to effective administration in relation to the communication of local governments with their residents. We pay attention to the electronization of public administration and the ambition to strengthen it through public participation in decision making concerning important matters of self-government, as the implementation of effective public administration is linked to the right management approach. In the first part of the study, we analyze European jurisprudence and legislation, and we further address the question of how the European concept of local government influences the communication of local authorities with their inhabitants in relation to the realization of the means of direct democracy. We focus our attention on the current state of the electronization of public administration and its development, including cyber security. The main goal of this study is to use critical analysis to assess the legal regulation of the activities of the Slovak public administration. In addition to the main goal, we also have several sub-goals, such as making a comparison of the development of the electronization of public administration in the countries of the former Czechoslovakia. Especially with the use of critical analysis and other scientific methods of investigation, we look for and find answers to selected application problems from practice. We also use scientific and doctrinal interpretation as well as scientific literature and jurisprudence. As a result of our study, recommendations are made to ensure the more efficient functioning of smart cities in the Slovak Republic.

Keywords: building; effective; public administration; smart cities



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1. Introduction

At the beginning of the last century, only thirteen percent of the world's population lived in cities; today, more than half of the world's population does so. While cities were rare in the past, there are currently around 500 cities in the world, with more than a million people living in them all over the world. Moving people to cities poses a new challenge for the planet—making cities sustainable places to live in, which is what the concept of smart cities is about. In a simplified way, smart cities use modern technologies, are green, adapt to a changing climate, and are designed so that all these necessary inputs are automatically taken into account (Romanova and Abushkin 2021).

According to Jankelova et al. (2021), cities must not only provide the population with the basic needs for life, but also reduce the impact on the environment while maximizing the potential of the vast mass of people living in them. Smart solutions with targeted planning can provide the world's population with a safe and peaceful city for generations to come. Urbanists agree that the fight for the sustainability of the planet will be fought in cities. In order to win, we need to prepare for it. Cities need to be green and resilient, built with a sensible vision, and adapted to the changing climate. They have to be able to look around the corner. A city whose planning lacks such vision is more vulnerable to natural disasters, weather fluctuations, and is prone to the quality of life of its inhabitants stagnating.

One aspect of smart cities is modern technology. These can take the form of smart lamps, which are currently being prepared, for example, in Bratislava. Such lamps provide information to residents about the state of the air or about parking places. There are also smart benches that provide an internet connection. The city's intelligence is also reflected in smart buildings. However, these are not only about the use of modern technologies, but also about the use of green energy and energy unpretentiousness. An aspect of smart cities that is no less important is related to their management process, which is primarily based on existing legislation. In order to be able to carry out their tasks effectively, local authorities must also be managed effectively.

Despite the fact that there are long-term discussions about building smart cities, the legislative side remains "somehow behind the door". In our opinion, the lack of interest in researching this topic, which is especially relevant at the moment, even on the part of legal theorists, represents a serious problem. This is something we would like to eliminate with this scientific study, at least partially.

From the point of view of systematics, our scientific study is divided into several parts, each of them focusing on a selected issue. In individual parts, we pay attention to the concept of "good governance", to the opinions of selected authors, as well as to European jurisprudence, which has a very significant influence on the creation of Slovak legislation. In addition to the analysis of the European Charter of Local Self-Government, the subject of our investigation is also the issue of communication between the local government and its residents, and the possibility of implementing a local referendum. We also devote some space to the legal regulation of the use of information systems in public administration and cyber security. In this section, we also present the results of our survey questionnaire on satisfaction with the currently used information technologies. As part of the complexity of our research, we analyze the development of Czech legislation.

2. Literature Review

The Right to Good Administration as a European Concept

As reported by [Albino et al. \(2015\)](#), the term "smart city" is increasingly being used, although there is still confusion about what a smart city actually is and what the term entails. According to [Kandt and Batty \(2021\)](#), smart city initiatives are now the subject of extensive academic debates, which range from attempts to develop formal definitions to radical, social science critiques. As stated by [García Fernández and Peek \(2020\)](#), the concept of a smart city is that of a highly anticipated urban development model that has many different descriptions and definitions in the literature, which are intensively discussed in different fields and are spreading in many different sectors. European legislation considers a smart city to be a city that tries to solve public problems through ICT-based solutions, based on a partnership that relies on multi-stakeholder self-government. The concept of good governance constitutes the basic requirements for the quality of the activities of the managing entities vis-à-vis the addressees of their operations ([European Parliament 2014](#)). [Castelnovo et al. \(2016\)](#), in their research, discuss the importance of adopting a holistic approach to smart city governance assessment and policy decision making. They also propose a performance evaluation framework that overcomes the limitations of existing approaches and contributes to filling the current gap in the knowledge base in this area. [Mills et al. \(2022\)](#) are of the opinion that decision making in a smart city belongs to the competence of the city government, organizations, individuals, and artificial agents. These activities, carried out individually or together, can determine actions by applying analytical methods to be adopted (or not) in the present or future in relation to operational, tactical, strategic, or political matters. As stated by [Vrabko \(2018\)](#), these requirements have progressively been profiled since the beginning of the 20th century, within the framework of European administrative law and within the meaning of the law common to the public administration of European democratic states. [Hendrych \(2007\)](#) is of the opinion that, in relation to the above requirement, the aspect of good governance comes to the fore. This is defined as the process of government and its control, which are associated with the

participation of the population in this process in order to improve public administration and bring it closer to the people.

The concept of good governance, according to [Haque et al. \(2022\)](#), constitutes the basic requirements for the quality of the activities of the managing entities vis-à-vis the addressees of their operations. Since the beginning of the 20th century, these requirements have gradually been profiled within the framework of European administrative law in accordance with the law common to the public administration of European democratic states. In relation to this requirement, the aspect of good governance comes to the fore, which defines it as the process of government and its control associated with the participation of the population in this process in order to improve public administration and bring it closer to the people.

The concept of good government does not have a specific definition. It is usually described by its individual principles and the basic requirements for the quality of the activities of public authorities towards the recipients of their activities. They are contained in several Council of Europe documents and are also developed by the decision-making activities of the European Court of Human Rights and the Court of Justice of the European Union. The Charter of Fundamental Rights of the European Union is an essential document, which includes the right to good administration among the fundamental rights of citizens of the European Union. [Nováčková and Vnuková \(2021\)](#) refers to Article 41 of the Charter, which states that the right to good administration is a fundamental right for the institutions, bodies, offices, and agencies of the European Union. That article is based on the rule of law and enshrines the right of everyone to have their affairs handled impartially, fairly, and within a reasonable time. Thus, according to the judgment of the European Court of Human Rights from 31 March 1992, No C-255/90, the characteristic and general rule of law includes good governance, with which the European Courts, without the need to define it in hard law, can argue and form its content ([European Court of Human Rights 1992](#)).

It explains in more detail the content of the right to good administration and how the European Code of Good Administrative Behaviour can be expected in practice in dealings with European institutions. It is a document to be followed by the institutions and bodies of the European Union, their administration, officials, and other servants in their relations with the public. It takes into account the principles of European administrative law contained in the case law of the Court of Justice of the European Union and also draws inspiration from national laws. It regulates the general principles of good administrative practice. First of all, that is the principle of legality, according to which an official is required to ensure that decisions affecting the rights and interests of individuals are based on law and that their content is lawful, as is apparent from the judgment of the European Court of Human Rights in the case of *Autronic AG versus Switzerland* from 22 May 1990, 12726/87. In this judicial decision, for example, in the broad context of the principle of legality, the court ruled on the obligation to take international law and its current developments into account in the interpretation of the law by the administrative authority ([European Court of Human Rights 1990](#)).

The judgment of the Court of Justice of the European Union from 11 July 2013 in Case C-439/11 P *Ziegler SA v. European Commission* confirms that the principle of non-discrimination does not only concern national administrations. This principle ensures respect and equal treatment in the handling of applications and of persons who are in a similar situation ([Court of Justice of the European Union 2013](#)).

In the judgment of the European Court of Human Rights from 23 September 1982, 7151/75, in *Sporrong and Lönnroth versus Sweden*, the Court ruled on the proportionality of the duration of restrictive measures when prohibiting construction. This is an explanation of the principle of proportionality, which ensures that the measures are proportionate to the objective pursued, and that, in particular, it is not possible to restrict rights or burden citizens if such restrictions are not proportionate to the purpose of the measures implemented ([European Court of Human Rights 1982](#)).

The principle of effectiveness is addressed in the Judgment of the Court of Justice from 2 February 1982, case number 68/81, in *Belgium versus the European Commission*, where the Court examined the effective implementation of European law. In the case of Belgium, the European Commission had reservations about the obstacles to implementation due to the reforms in public administration, according to which public authorities are to choose, in their activities, means which are economical, expedient, and can therefore lead as effectively as possible to the achievement of the objective of the activity in question, while abiding by the principle of not misusing their powers for purposes which have no basis in law or which do not pursue the public's interest ([Court of Justice 1982](#)). Furthermore, the official is also compelled to be impartial and independent, and is obliged to refrain from arbitrary activity adversely affecting the addressees as well as from preferential treatment on any grounds. In accordance with the principle of legitimate expectation expounded in the judgment of the European Court of Human Rights from 22 September 1994, in *Hentrich versus France*, that principle of legitimate expectation particularly emphasized the persuasiveness and proportionality of the decisions of the public authorities. The persuasiveness of the conduct and decisions of the public authorities is also commonly understood as a specific principle, according to which, in the light of previous activities, an official must respect the legitimate and reasonable expectations of the public in relation to his activity ([European Court of Human Rights 1994](#)). Other principles also include the principle of objectivity in decision making, the timeliness of decision making, and transparency. The judgment of the European Court of Human Rights from 28 June 1978, No. 6232/73 in the case *König versus Germany*, was one of the first of the Court's broad decisions, in which it ruled on the need for the King to adjudicate within a reasonable time. The content of the right to good administration was thus not exhausted ([European Court of Human Rights 1978](#)).

As further stated by [Magnússon \(2019\)](#), the essential document on which the concept of the right to good administration is based is Recommendation No (2007) 7 of the Committee of Ministers of the Council of Europe on good administration ([Committee of Ministers 2007](#)). It contains the basic principles of good governance. These are not only substantive in nature, such as the principles of legality, equality, impartiality, proportionality, legal certainty, respect for privacy, transparency, and the principle of accountability of public administration, but it also contains rules of a procedural nature. These concern, for example, the administrative procedure, the initiation of administrative proceedings, the procedural rights of persons, the enforcement of the decision and damages, etc. Prior to the adoption of the Recommendation, the Council of Europe prepared a number of documents covering the various aspects of good governance. An example of these is Resolution (77) 31 by the Committee of Ministers of the Council of Europe on the protection of the individual in relation to all administrative acts. This document established five basic principles of the administrative procedure, namely the right to be heard, the right of access to information, the right to representation and assistance in the procedure, the right to a statement of reasons for an individual administrative act, and the right to be informed of legal remedies. Recommendation No (80) 2 of the Committee of Ministers of the Council of Europe further concerns individual administrative acts, issued on the basis of administrative considerations. Recommendation No (81) 19 of the Committee of Ministers of the Council of Europe concerns access to information held by public administrations. Recommendation No (87) 16 of the Committee of Ministers of the Council of Europe is related to administrative procedures affecting a large number of persons. Recommendation No (91) 10 of the Committee of Ministers of the Council of Europe pertains to access by third parties to information held by public administrations, and Recommendation No (91) 1 of the Committee of Ministers of the Council of Europe is on administrative sanctions. The scope of the documents and the principles resulting therefrom are considerable, but they are not the only source of the concept of the right to good administration.

The continuous contribution by various areas and sectors of public administration to this concept is what accelerates the development of the institution. In the field of electronization, the influence of the European Union can be considered as one of the reasons for its

development, both in law and in fact. Indeed, Article 174 of the Treaty on the Functioning of the European Union states that in order to strengthen economic, social and territorial cohesion, it is necessary to aim at reducing disparities between the levels of development of the regions and the backwardness of disadvantaged regions. By acceding to this document, the Slovak Republic also indirectly committed itself to ensuring equality with other Member States of the European Union, both in the field of electronization of activities and in the wider implementation of public administration tasks (European Union 2016).

3. Materials and Methods

As stated by Săraru (2019), public administration is an activity carried out by state administration bodies, local governments, and public law institutions in the performance of public tasks. Its main goal is the provision of public welfare through the strengthening of civil society and social justice. Thus, the main goal of this study was to use critical analysis to assess the legislation that regulates the activities of the Slovak public administration. In order to achieve the main goal, we also identified sub-goals, namely to perform an analysis of the following:

- European jurisprudence and legislation in the field of administrative law, which significantly influences the creation of national legislation;
- The possibility of holding a local referendum;
- The electronization of the Slovak public administration, including ensuring cyber security;
- The electronization of Czech legislation;
- Results of a questionnaire survey on satisfaction with the use of the portal www.slovensko.sk (accessed on 1 April 2022).

At the end of our study, we critically evaluated the results of our investigation, compared the development of the electronization of the Slovak and Czech public administrations, and proposed possibilities for improving the legal regulation of public administration activities. We wanted to achieve the stated main objective and milestones, in particular through a thorough study of relevant European legislation, of professional as well as scientific literature, and of relevant Slovak and European case law. Due to the scientific nature of this article, we used several scientific methods of knowledge suitable for understanding the law. This concerns, in particular, the use of a critical analysis method to examine legal situations and regulations as well as abstraction. The results of the critical analysis are supported by the results of related research works by relevant researchers. In order to determine the satisfaction of selected users with electronic services, we used the survey questionnaire method for the needs of this study. Since the Slovak Republic was a part of Czechoslovakia until 1993, and due to the complexity of the work, we also paid attention to the development of the electronization of public administration in the Czech Republic. Finally, in our conclusion, we compared the development of both legal regulations. For this reason, we also used the comparative method.

4. Results

4.1. European Charter of Local Self-Government and Regulation of the e-Performance of Local Self-Government

In addition to the right to good administration, territorial self-government in the Slovak Republic also finds its roots in international documents other than those which we include as stable sources of the concept analyzed. In particular, the European Union and the Council of Europe support the ideas of municipal and regional cooperation.

Mucha (2019) further points out that the European Charter of Local Self-Government, which was adopted in 1985, is the result of the Council of Europe's efforts to shape uniform requirements for the realization of the right to local self-government in the States that accede to it. The Slovak Republic acceded to the Charter, which took effect on 1 June 2000. With its signature, the highest state institutions showed political will to abide by the principles contained in the Charter in relation to territorial self-government. By doing

so, and at an international level, they declared their position on local self-government, its importance, and its place in society. The Slovak Republic initially adopted this international document with authorized reservations but eventually signed all outstanding commitments on 24 April 2007. Today, all the provisions of the Charter apply to the Slovak Republic. This has been the case since 1 September 2007.

The text of the Charter of Local Self-Government is promulgated in the Collection of Laws of the Slovak Republic under number 336/2000 Coll. It is apparent from the Charter's various articles that it provides for the following:

- (a) The constitutional and legal foundations of local self-government;
- (b) The concept of local self-government;
- (c) The authority of the local government;
- (d) The protection of the territorial boundaries of local authorities;
- (e) Adequate administrative structures and resources that are commensurate with the tasks of local authorities;
- (f) Conditions for the performance of functions at the local level;
- (g) The proper supervision of the activities of local authorities;
- (h) Financial resources of local authorities;
- (i) The right of association;
- (j) Legal protection of local self-government ([Ministry of Foreign Affairs of the Slovak Republic 2000](#)).

This is an important document that we do not find at the regional level. Thus, the European Charter of Regional Self-Government was initiated. This effort by the Council of Europe to ensure that "higher territorial units" have a similarly guaranteed standard of rights within individual Member States failed. The proposal was prepared as early as 1997, but it was ultimately rejected. The subsequent attempts by the Council of Europe for a revised version of the Charter of Regional Self-Government were not successful either. In 2005, only a declaration was adopted, which stressed the importance of regional self-government by the states of the Council of Europe.

Several authors such as [Popova and Zagulova \(2022\)](#) emphasized the importance of Article 3(1) of this Charter. According to the authors, within the limits of the law, local authorities have the right and the capacity to administer and manage a substantial part of public affairs within their remit, and in the interest of the local population. Article 3(2) of the Charter states that the right under Article 3(1) shall be exercised by councils or representations whose members are freely elected by means of direct, equal, and universal suffrage by secret ballot. Such councils or representations may be made available to subordinate executive bodies. However, these articles of the Charter do not in any way limit the possibility of holding population gatherings or local referendums or using any other form of direct participation by citizens. Municipal self-government is carried out by village residents through municipal authorities, local referendums, and assemblies of village residents. [Sararu \(2017\)](#) also shared that view and pointed out that the Charter does not directly regulate the conditions for participation in local government by its inhabitants. The right to participate in the activities and tasks of local authorities is enshrined in Article 1 of the Additional Protocol to the 2009 Charter. Article 2 of the Additional Protocol obliges signatories to take the necessary measures to ensure the enforceability of the right to participate in matters of local authorities, including the obligation to ensure public participation in public hearings, local referendums, and petitions. In order to meet those objectives, that document also established the obligation to promote the use of information and communication technologies, and therefore to create the conditions for the exercise of direct participation by residents in the local government with the use of electronic means.

According to [Cajková et al. \(2021\)](#), the electronic exercise of local self-government is not separately regulated in specific legal documents. It is bound to those sources of the European Union law, which concern public administration as a whole. In particular, Regulation 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (eIDAS

Regulation) regulates the conditions for the electronic identification and authentication of natural persons and legal persons, also in the field of public administration ([European Parliament and Council 2014](#)). In the national legal orders of the Member States, the eIDAS Regulation is followed by the laws on the electronic form of the exercise of the activities of public authorities; in the conditions of the Slovak Republic, this is Act No 305/2013 Coll. on the electronic form of the exercise of public authority (the e-Government Act) ([National Council of the Slovak Republic 2013](#)). Another document is Directive 2016/2102 of the European Parliament and of the Council on the accessibility of websites and mobile applications of public sector bodies, including local and regional authorities ([European Parliament and Council 2016b](#)).

4.2. Right to Good Administration in Slovak Legislation

As stated by [Lalík \(2020\)](#), citizen administration from the point of view of national legislation reflects the fundamental law of the State. In Article 2(1) of the Slovak National Council, Constitutional Act No. 460/1992 Coll., the Constitution of the Slovak Republic, as amended, asserts that state power comes from citizens and defines the basic framework for their participation in state power. The basis thus defined gives concrete expression to provisions governing political rights, such as the right to petition and the right to vote. Article 30 of the Constitution of the Slovak Republic enshrines the right of citizens to participate directly or freely in the administration of their representatives. As is apparent from the judgment of the Constitutional Court of the Slovak Republic, No. II. ÚS 9/2000 from 27 April 2000 is to be understood as indicating the participation of a citizen in the political life of the state, in the administration of the state, and also in the administration of public affairs in municipalities ([Constitutional Court of the Slovak Republic 2000](#)). According to [Trellová \(2018\)](#), one of the options for more efficient processes in public administration is the means of direct democracy. The constitutional rule in Article 67(1) includes the local referendum and the assembly of the inhabitants of the municipality among the forms of direct implementation of municipal self-government. Public administration is a classic feature of territorial self-government, and this right of citizens is expressed in Article 30(1) of the Constitution of the Slovak Republic. The importance of the means of direct democracy does not correspond to their regulation. It is only an austere and contained framework in the Slovak Constitution and in the Law on the Municipal Establishment. The author also states that although there are various forms of direct democracy in modern states, the most effective instrument, desirable complement, and refreshment for the system of functioning of public power is a referendum ([Slovak National Council 1992](#)).

We also consider it necessary to focus our attention on the possibilities provided by digital means to this institute of direct local democracy. As is the case with the assembly of the inhabitants of the village, this means of direct democracy is regulated only in the municipal constitution law. The details of the organization of the local referendum are established by the municipality through a generally binding regulation. The Act of Slovak National Council No. 369/1990 Coll. on Municipal Establishment currently regulates mandatory local referendum and optional local referendum. According to [Čajková and Gogová \(2022\)](#), a mandatory local referendum will take place if:

- (a) There is a merger of municipalities, a division or dissolution of the municipality, as well as a change in the name of the municipality;
- (b) The mayor is removed;
- (c) A petition is submitted by a group of at least 30% of eligible voters;
- (d) There is a change in the name of the municipality;
- (e) A special law so provides.

Optionally, the local referendum can also take place before deciding on other important matters of municipal self-government, and if the mayor is absent or unable to serve for more than six months. The results of the local referendum shall be valid if at least half of the eligible voters participated and if the decision was taken by a majority of valid votes.

4.3. The Development of the Electronization of the Slovak Public Administration

At present, organizations in the Slovak Republic are facing not only the crisis due to the long-term pandemic but also the extraordinary phase of the crisis of trust in public institutions, especially state institutions. However, it is clear that these two factors affect all aspects of society's life. In our view, they also touch on the content of the concept of the right to good administration. As we have already mentioned, it does not have a specific definition, and its individual components are in constant development in line with the evolution of the social one.

The European trend of development, modernization, and digitalization was clearly evident even before the COVID-19 pandemic. The Treaty on the Functioning of the European Union (Article 174) already expresses the European Union's interest in strengthening economic, social, and territorial cohesion, which is also to be achieved by reducing disparities between the levels of development of the various regions. Thus, according to [Papáčová \(2018\)](#), by signing that Treaty, individual Member States are also indirectly committed to ensuring equality in guaranteeing the operation of public authorities electronically. Recent developments in information and communication technologies have been addressed by the European Union and the European Commission through the European Digital Strategy, which represents the idea of a digital transformation serving people, entrepreneurship, and trade while respecting the values of the European Union. This strategy has three important pillars: developing, deploying, and adopting technology that is for the people. The aim is to build a fair and competitive economy as well as develop an open, democratic, sustainable, and trustworthy digital society.

[Vrabko \(2018\)](#) claims that in the conditions of the Slovak Republic, we have reached a position of delay on the agenda of digitization from both the material and the formal/legal point of view. Most European countries are struggling to catch up. However, the building of the information society is anchored on several strategic documents, and it seems that the current state of the crisis will push for their concretization and implementation. On a European scale, and also in our circumstances, there is even a significant shift in our understanding of the content of the right to good administration in the form of communication with the citizens of the state and the inhabitants of local and regional authorities. There are increasing pressures to accelerate the pace of implementation of e-government, i.e., e-Government, which is another concept. It is the concept of e-government implemented by public administration. In its broadest sense, however, according to [Sararu \(2016\)](#), it represents the interaction between the public administration and its addressees. It is based on information and communication technologies. Through them, the needs of the addressees of the administration are to be met more efficiently, i.e., above all, faster and with less financial burden.

The beginning of the electronization of public administration in the Slovak Republic is linked to the adoption of Act No 261/1995 Coll. on information systems in public administration, as amended ([National Council of the Slovak Republic 1995b](#)). However, related projects applying electronization only started in 2007. Several works are still under way, and contrary to the assumptions expressed in the Operational Programme Informatisation of Society and other documents approving its strategy, the electronization of public administration is delayed, even after many years. In connection with this, [Castanho \(2020\)](#) draws attention to the fact that the Operational Programme Informatisation of Society from 4 September 2007 is the reference document and the basis for providing support to all informatisation projects of the government. It is supported by the Structural Funds, which is available on the website of the Office of the Deputy Prime Minister of the Slovak Republic for Investments and Informatisation www.mirri.gov.sk (accessed on 11 June 2022) ([Ministry of Investment 2020](#)).

The strategy paper for the growth of digital services and next generation access network infrastructure 2014–2020, which follows from the position paper of the European Commission, states that economic growth, increasing competitiveness, strengthening the economy with higher added value, and making public administration more efficient are among the key priorities of the Slovak Republic. It presents a strategy for the further

development of digital services and next generation access network infrastructure. It also reflects the European trend towards the increased participation of citizens, the transfer of innovation from the private sector to public administration, as well as an overall change in the concept of e-Government towards smart systems and applications in public administration. The vision of a functioning information society and the building of smart government should be fulfilled this year by making information technology an integral part of our daily lives (Ministry of Investment 2014).

4.4. Information Technology in Public Administration Activities in Practice

For the empirical verification of public satisfaction with the use of current information technologies, we conducted an email survey on a sample of 300 recipients regarding user satisfaction with the portal www.slovensko.sk. The recipients of the questionnaire about satisfaction with this portal, which we sent by e-mail, were randomly selected natural persons with permanent residence and legal persons based in Bratislava, who we expected to use the portal (e.g., lawyers). The portal has been providing services and contacts with public authorities for several years, and when it was first implemented, users expressed negative views about its formal and functioning aspects. According to users, access to www.slovensko.sk is more user-friendly than at the time of its introduction. However, it is still not clear for all of them. A total of 152 respondents were dissatisfied, 113 dissatisfied, and 23 satisfied. There was no answer to the possibility of high satisfaction. Of the respondents, only 12 have not used the services of this portal. We examined satisfaction with the portal from the point of view of the maturity of systems of this kind in the Slovak Republic, in view of the grant-researched possibility of implementing an e-like means of direct democracy.

The further modernization of local self-government, in the view of Chochia and Nässi (2021), is related to an increased level of civic participation in decision-making processes in municipal self-government. Thus, a wide range of actors should be involved in the administration of municipal affairs, especially those who are interested in it and at the same time express it. The same view is shared by Žofčinová et al. (2022), who add that the functioning of local authorities and the decisions made by their authorities on important issues of municipal self-government should undoubtedly be based on the decisions of their residents. In our opinion, it should be an opportunity for residents to comment on the most important issues of the city's activities. It is mainly about cleanliness, arrangement, and green maintenance, and the availability of not only the necessary technical infrastructure, but also public transport and intercity transport. It will therefore be necessary to legislate these issues, including those brought about by scientific progress in the form of the advancing digitalization of society. This could contribute to a lesser financial burden in the conduct of local referendums and other means of direct democracy, as well as to the ability to respond in real time to the demands of the population and to the needs of the municipality. It is precisely these requirements that the concept of smart cities and villages responds to.

The use of information technology raises two issues on a regular basis:

1. Cyber security;
2. Exclusion of certain entities, most often natural persons, from the possibility of using them, e.g., because of belonging to marginalized communities, for financial reasons, etc.

According to Tekeli and Hoffmann (2014), the challenges posed by cyber security are undoubtedly a major and unaddressed challenge for local and regional authorities. However, it is only on the basis of their resolution that it is possible to communicate with the population of municipalities and cities in a credible and secure manner. At the European level, the area of cybersecurity is governed by Directive (EU) 2016 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high level of common security for network and information systems across the EU (European Parliament and Council 2016a). The law of the Slovak Republic, through Act No 69/2018 Coll. on Cyberse-

curity and on Amendments to Certain Acts (hereinafter referred to as the “Cybersecurity Act”), has implemented the NIS Directive, which aims to ensure the security of network and information systems in the States of the European Union. According to Section 3(h) of the Cybersecurity Act, it is a condition in which network and information systems are able to withstand, to a certain degree of reliability, any action that jeopardizes the availability, authenticity, integrity, or confidentiality of stored, transmitted, or processed data or related services that are provided or accessible through those network and information systems (National Council of the Slovak Republic 2018).

Important financial instruments are now also available for accelerating the development of the smart agenda of local and regional authorities. These include, for example, the European Structural Funds, through which, according to the Mucha (2021), key smart solutions can be financed. However, it should be noted that more than technological security, there appears to be a human risk factor, which involves the employees of public authorities who handle data and information. This is confirmed by a source from the Ministry of Investment, Regional Development, and Informatisation of the Slovak Republic, who confirmed that public administration and its information systems are the most vulnerable due to the human factor. This problem is not limited to public administration. The entire public sector in the Slovak Republic do not have the support of a sufficient number of experts in the field of cyber and information security. As the main cause of this situation, he cites the Slovak Republic’s inability to compete with the private sector in the field of remuneration or the possibilities of professional growth.

In particular, training can be a solution that would improve the state of cybersecurity at the level of public administration employees. However, this should be a more systematic, centrally managed type of education than what is currently being implemented. Similarly, according to Slámková (2018), suppliers of IT solutions to public administrations also need to have a high level of security, and their requirements should be uniform. Act No. 343/2015 Coll. on public procurement and certain acts, as amended, should clearly specify the requirements for the suppliers of IT solutions to public administrations, to such an extent that the start of a trustworthy digital company is already built upon their purchase (National Council of the Slovak Republic 2015). From our point of view, these problems and questions have already been largely answered, for example, by the progress and results of the nationwide population and housing census, which was first carried out in full electronic form in 2021, or by the successful operation and expansion of the functionality and scope of e-Health services, which include applications such as e-recipe or e-investigation. The first belongs to the agenda of the Statistical Office of the Slovak Republic, and the second is of the Ministry of Health of the Slovak Republic, i.e., the central authorities of the state administration (Radosa 2020).

The population census is among the most demanding and extensive statistical surveys. The first fully electronic and integrated census of the Slovak Republic was preceded by demanding conceptual and methodological preparation. However, based on its progress and the results obtained, it can be concluded that it meant a departure from the traditional census.

Even in the case of e-Health, the cybersecurity of health information systems is undoubtedly of paramount importance given their data base. According to the 2005 concept of the informatization of health in the Slovak Republic, e-Health is understood as referring to ICT applications used in the whole range of medical activities by doctors and nurses in relation to patients and vice versa, often through the necessary activities of specialists in transmission, storage, protection, and reversing, and targeting only precedents of the tax of relevant information. These are applications that have become necessary for the management of health facilities as well as for public health care, social services, insurance companies, and health administrators and strategists at higher levels. E-health is thus, in the opinion of Castanho (2020), a uniting concept for a number of more specific concepts, in particular for medical computer science (development and evaluation of methods of obtaining, sharing, and the optimal application of biomedical data, information, and

knowledge), medical informatics (phenomenon related to health and its protection), the body of medicine (distance monitoring of the state of health and circumstances in which the individual is present), and others.

The above examples of good practice in digital government may also indicate a new trend for local government practice. In order to provide the time needed to close the gaps in the e-communication of the population with the local authorities, [Choodakowska et al. \(2022\)](#) offers inspiration from the Netherlands, where a communication representative is appointed for similar processes, especially for older people. [Domin \(2018\)](#) is convinced that a certain step towards the creation of such an institute is also the instruction provided for in the Common and Transitional Provisions of Act No 180/1995 Coll. on certain measures for the arrangement of ownership of land, as amended, in procedures for the renewal of the register of certain land and legal relations with them ([National Council of the Slovak Republic 1995a](#)). This view is also shared by [Oláh et al. \(2020\)](#), who point out that under this law, the municipality is obliged to provide the necessary information to parties who, because of their age, state of health, or otherwise, may have limited access to participation in the proceedings. A communication representative, regardless of age or proof of other reasons, would seem to be more appropriate for implementing the means of direct democracy. His activity would consist of any necessary assistance to disadvantaged persons in e-communication.

4.5. The Development of the Electronization of Public Administration in the Czech Republic

Building effective public administration through eGovernment, i.e., the electronization of public administration, is also a gradual process in the conditions of the Czech Republic, where the agenda related to the performance of public administration is gradually being transferred from paper to the electronic form. As reported by [Handrlica et al. \(2022\)](#), since the 1990s, some authorities have been independently building their own information systems, e.g., for the management of files. However, since each office used a different program, the possibility of exchanging data was almost zero. Therefore, in 1993, the Czech government demanded the submission of a project for the overall architecture of its information systems, which had to include and integrate the entire state administration and departmental information systems.

Furthermore, in the year 2000, Act No. 227/2000 Coll. about electronic signature was created ([Parliament of the Czech Republic 2000a](#)). According to [Funta and Králiková \(2022\)](#), it was a reaction to the newly adopted EU directive no. 1999/93/EC on Community principles for electronic signatures. The adoption of this law primarily meant the possibility of introducing electronic communication and electronic submissions into a number of administrative agendas. It was therefore a significant breakthrough in the practical use of electronic communication with authorities. The possibility to file a tax return electronically was introduced as early as 2000, and the Tax Portal was subsequently created in 2010. Another step that contributed to the electronization of public administration was the launch of the “Public Administration Portal” in 2003. It provides classified and interconnected information about individual subjects, which reports their activities as well as results.

A major event in the development of the electronization of the Czech public administration was the eGON project under the auspices of the Ministry of the Interior of the Czech Republic, which took over the eGovernment agenda after the abolition of the Ministry of Informatics of the Czech Republic. This project was supposed to symbolize “a modern, friendly, and efficient office”.

The eGON project is supposed to be a living organism in the literal sense of the word, the brain of which is the basic registers of public administration, its heart being Act No. 300/2008 Coll. on electronic operations and authorized conversion of documents, its circulatory system the Communication Infrastructure of the public administration, and last but not least, the fingers of this organism are made up of the so-called “Czech POINT” ([Parliament of the Czech Republic 2008](#)). According to [Jankelova et al. \(2021\)](#), this is a network of contact points that make it easier for citizens to connect with the state.

These contact points make it possible to obtain a lot of data and perform other actions in connection with the Public Administration at one place, a place of circulation of several offices. Since 2009, the data box has been a key tool for performing electronic transactions with public authorities. They ensure the delivery of official reports in electronic form. The second key element is the authorized conversion of documents from paper form to data form and vice versa, the verification of their conformity, and the attachment of a verification clause. In 2010, the pilot operation of the basic registers was launched, and since July 2011, they have been in full operation. The base register system contains four registers. It is a register of persons, a register of residents, a register of territorial identification, addresses, and real estate, and a register of rights and obligations. Natural persons as well as legal entities have the opportunity to request extracts from the basic registers via the data box on the Public Administration Portal or in person at the Czech POINT public administration contact points.

In 2007, the strategy for the implementation of “Smart Administration” in the period of 2007–2015 was adopted under the title of “Effective public administration and friendly public services”. Its main goal for that period was the strengthening of socioeconomic growth and an increase in the quality of life of citizens in the Czech Republic through the achievement of higher efficiency in Public Administration.

Šindleryová (2022) points out that the most important plan in recent years has been the “Digital Czech Republic” program, which was approved by a government resolution in October 2018 and is intended to ensure the long-term success of the Czech Republic in the field of the digital revolution. The “Digital Czech Republic” strategic plan is divided into three pillars that complement each other and together create a logical and complex system. These pillars are the following: Czech Republic in Digital Europe (under the purview of the Government Office), Information Concepts of the Czech Republic (under the purview of the Ministry of the Interior of the Czech Republic), and Concept of Digital Economy and Society (under the purview of the Ministry of Industry and Trade of the Czech Republic). The primary reason for dividing the program into three pillars is that in addition to the inclusion of all areas presupposing the digitization process, there is a necessity for coherence and continuity with already valid documents and materials within the Czech Republic as well as at the level of the European Union. The Information Concept pillar of the Czech Republic is focused on digital public administration and partially elaborates and builds on the Strategic Framework for the Development of Public Administration concept as a basic document pursuant to the authorization of Act 365/2000 Coll. on public administration information systems; its goal is to be in the field of operation until 2024 (Parliament of the Czech Republic 2000b). The most important and ambitious goal of the concept is to achieve such a level of eGovernment that would place the Czech Republic among the leading countries in this field.

5. Discussion and Conclusions

Contemporary society is increasingly aware of its rights in relation to public administration and expects them to be fulfilled in a qualitatively increasing trend and in line with developments in knowledge in all areas of life. Therefore, the subject of our research was the practical realization of the content of the concept of the right to good administration in the communication between the public administration and the citizens, executed in a more modern digital form. We found that the communication of the public administration with its addressees have also been evolving in our territory for a long time, and that it was initially related to the state agenda in the field of tax collection and real estate registration. The quality of communication between public authorities and its addressees is closely linked to the development of society on a global scale. Within the democratic states of Europe, we followed the development of this kind of communication, especially in the context of public administration reforms that have taken place not only in Central and Eastern European countries, which have different economic, political, social, and cultural backgrounds. However, under different conditions, some of their common features can

still be observed, even during the global pandemic, which has been linked to the increased need for electronic communication in all areas of society's life.

As mentioned above, in the Slovak Republic, the first usage of computer technology and information systems in public administration was uncoordinated and fragmented for individual administration agendas. Today, the new challenges of globalization are pushing public institutions to modernize the performance of all their activities, their transparency, and the participation of the population in them. These trends shift the importance, content, and standards of the right to good governance. This is accomplished within the so-called European Administrative Area, which requires a high level of culture and reliability from the side of public administration. The issue of good governance contains a number of international documents. It could be summarized as a recommendation for states to promote good public administration through the effective and efficient organization and action of public administrations that use their resources effectively and also seek the best possible means of achieving the best results. When comparing the development of the electronization of public administration, it is possible to observe a slower pace on the part of the Slovak Republic. In our opinion, this is due to the partial "copying" of Czech legislation, which is generally considered to be more refined and serves as a model for us.

As part of the evaluation of the results of the survey questionnaire on citizens' satisfaction with the portal www.slovensko.sk, it is necessary to state that user comfort is gradually improving. This is also related to several technical and especially technological improvements such as new ID cards with a chip. We consider the greatest advantage of this portal to be the possibility of the electronic delivery of decisions of public administration bodies to addressees, which mainly eliminates obstructions on the part of the addressees.

In relation to the activities and tasks of the local authorities, it can be concluded that these entities are the closest to their addressees among all public authorities. Therefore, the form of their communication should correspond to the current needs of the population. Although it is clear from practice that the center of gravity of municipalities and towns lies in the municipal authorities, the various forms of direct implementation of the municipal self-government envisaged by the Constitution of the Slovak Republic in Article 67(1) and the statutory regulation, namely the Act on municipal establishment, as amended, such as the assembly of the residents of the municipality, together with the local referendum, constitute an extremely important means of exercising the will and opinions of individuals, and ultimately, of society as a whole (Slovak National Council 1990). The results of our work show that when implementing the means of direct democracy, in addition to acquiring technologies that are capable of ensuring the security of information systems, it is necessary to ensure the preservation of basic constitutional principles. However, the Slovak Republic is unquestionably trying to get closer to the states that are able to ensure the successful use of the entire public administration agenda, and within that framework, the agenda of local self-government. We are therefore inclined to make wider use of the Institute of Local Referendum and Municipal Assembly, especially in view of the possibilities provided by digital means. However, it will also be necessary to adapt their legislation, which is regulated in particular by the Law on Municipal Establishment and other legislation, although only in a framework so far. We agree with the views that prefer the institution of local referendums. However, we know from previous experience that the problem is not only in the lack of funds, but mainly in the lack of interest in the population to participate in them.

With regard to the set goal of our scientific study, by analyzing scientific and professional literature, Slovak and European legislation, regulations as well as Slovak and European jurisprudence, we came to the conclusion that the legal order of the Slovak Republic helps to build smart cities within its possibilities. We also positively assess the influence of European jurisprudence on Slovak legislation. It is clear from its content that the Slovak legislature is trying to implement European court decisions to the maximum extent. However, we also discovered a problem, which is the total fragmentation of the Slovak legislation. Even an experienced lawyer with a legal education can have problems

in navigating it. The Municipal Establishment Act does not require the mayor of the city to have a university degree in law. For a layman, the number of often incomprehensible legal regulations must literally cause horror. Specifying a university degree in law as a condition for the post of city mayor would probably not be accepted due to discrimination. Hence, in response to the research question, and as part of our “de lege ferenda” proposals, we recommend codifying the regulations of administrative law in the area of cities into one large regulation modeled after the Criminal Code. In this way, in our opinion, the problem with the fragmentation of legal regulations would be effectively eliminated.

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