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THE PROBLEM OF THE DEFINITION AND APPLICATION OF UNWRITTEN SOURCES OF CONSTITUTIONAL NORMS IN THE SLOVAK CONSTITUTIONAL SYSTEM

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Abstract: *The article deals with a specific part of the Slovak constitutional system, namely the unwritten sources of constitutional norms. The authors set two scientific objectives in the article. The first one is to present in more detail the problems related to the definition of individual unwritten sources of constitutional norms. The essence of the problem of defining unwritten sources of constitutional norms is the unclear use of terms as well as the ambiguous determination of the boundaries between them. A part of this objective is to solve this problem. This means establishing clearer criteria for defining unwritten sources of constitutional norms and delineating their scope. In the paper, the authors focus not only on theoretical issues related to unwritten sources of constitutional norms, but also on the specific practice of constitutional actors – constitutional bodies. The second objective is the use and application of the developed theoretical foundations in specific constitutional situations, which are presented and analysed.*

Key words: *Unwritten Sources of Constitutional Norms; Unwritten Constitutional Law; Constitutional Custom; Constitutional Convention; Constitutional Consuetude; Constitutional Bodies; Social Norms; Political Norms*

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1. INTRODUCTION

In the works of contemporary representatives of Slovak constitutionalism, it is possible to identify a consensus that the Slovak constitutional system, while essentially based on a written constitution, is not formed exclusively by written sources; rather, the formation of unwritten constitutional sources is not excluded (Orosz, Svák et al., 2021, p. 45; Káčer, 2022, p. 1; Giba, 2020, p. 342; Drgonec, 2018, pp. 147-148; Neumann, 2019, pp. 481-482). The significance of this consensus is increased by the fact that it can also be observed beyond the Slovak constitutional system. This is not an isolated view, as authors from other states with constitutional systems based on a written constitution likewise acknowledge the existence of components other than written ones. These authors come from countries such as France or the Netherlands, which are part of the continental legal system of which the Slovak legal system is also a part (Vetzö, 2018, p. 143; or Avril, 1997, pp. 1-7). It is therefore irrelevant whether a constitutional system is founded by a written or unwritten constitution. Both written and unwritten components will be present in both systems. The difference lies in the predominance of one over the other. In this regard, Denis Levy's observation may be recalled, according to which there

are no exclusively unwritten constitutional systems, only systems that are less written (Levy, 1975, pp. 81-90).

However, this is where a problem arises that has not yet attracted deeper scholarly attention in the field of Slovak constitutionalism. This problem concerns the ambiguous use of terms and concepts that together form the group of unwritten sources of constitutional norms. It is closely related to another issue, namely the vague classification or categorisation of these concepts. The first objective of our article is based precisely on these problems and aims to identify and define the individual categories of unwritten sources of constitutional norms.

From our perspective, defining the concept of unwritten sources of constitutional norms is the most straightforward step. The basis for the definition of unwritten sources of constitutional norms can be grounded in the approaches formulated by two English legal scholars - A. Dicey and I. Jennings. The first perceived the constitution through two parts. He called the first part the *Law of the Constitution* and the second the *Convention of the Constitution* (Dicey, 1982, pp. CXL-CXLVI). However, he did not consider this division to be a division between written and unwritten sources of constitutional law. The essence of this division is rather the definition of the sources of constitutional norms into those that are law and those that are merely other social norms. In other words, he perceived the constitution in two meanings: legal and political. The second author, Jennings, also wrote about two meanings of the constitution. The first meaning is a formal document called a constitution that contains rules governing form of government, the powers and procedures of constitutional bodies and the general principles of their functioning in relation to citizens. The second meaning is a constitution understood as a set of these rules (Jennings, 1959, pp. 33-38). The term constitution in the second meaning describes rules that normally can be found in a document called a constitution. The subject matter of regulation of these rules is therefore essential. In simplified terms, a constitution consists of all the rules that regulate constitutional relations.

A legitimate question is whether the theories of these authors can be used in Slovak context. It must be acknowledged that the Slovak context is different. The Slovak Republic is a relatively young state whose constitutional or political development took place turbulently especially in the 19th and 20th centuries. On the other hand, the United Kingdom has had a relatively more gradual and quite clearly longer constitutional development. Nevertheless, we think that the concepts of these authors can be used in the basic framework also in creation of our concept for the Slovak constitutional system. First, some Slovak constitutional lawyers use the term - political culture, which can be likened to Dicey's political morality, synonymously. This term can therefore be perceived similarly as a set of rules that are not law, but which political actors are supposed to follow. It should be emphasised that the totalitarian regime in the years 1948-1989 forms a significant part of Slovak constitutional development. This totalitarian regime distorted not only the view of law but also of the ways of exercising political power. During this period the ways of exercising power did not have to follow higher principles such as morality or justice; at most, adherence to formal procedures was observed. This is precisely why some representatives of Slovak constitutional scholarship emphasise the concept of political culture – as something higher, which goes beyond the constitutional text, is not law as such, yet has „*a decisive influence on the process of implementing the Constitution in both a positive and a negative sense*" (Cibulka, 2004, p. 155). In other words, such rules will be present in Slovak constitutional system, and their existence is mentioned in contrast to the totalitarian regime (Giba, 2020, p. 338). In addition, the

concept of political culture is mentioned by the constitutional actors themselves.[1] However, it may be agreed that the qualitative level of political culture is lower than in the United Kingdom. This fact alone does not justify the conclusion that such rules are absent from the Slovak constitutional system or entirely unknown within it.

If we look at Jennigs's perception of the constitution in the formal and material sense, a similar categorisation is also used by representatives of Slovak constitutional law. If we look at the work *Štátoveda* [Theory of the State] from Prof. Cibulka, then the constitution cannot be perceived only in the formal sense, because this cannot be enough to sufficiently capture its content, which is the organisation of public power and the protection of fundamental rights (Cibulka et. al., 2017, p. 101). That said, it should be emphasised that, although inspired by the above-mentioned English authors, this analysis remains grounded in the Slovak constitutional context, where the written constitution retains a central position. Consequently, these theoretical approaches are not adopted uncritically but are adapted to the specific features of the Slovak constitutional system.

Following the views of both scholars, the unwritten sources of constitutional norms are those that have an unwritten character and regulate constitutional relations (the form of government, the powers and procedures of constitutional bodies, and the general principles of their functioning *vis-à-vis* citizens), regardless of whether they take the form of law or another type of social norm.

This is where the problem of defining the components or parts of the unwritten sources of constitutional norms begins. This problem has two main aspects. The first concerns the distinction between individual categories of unwritten sources of constitutional norms. What are the boundaries or defining lines between the categories that cover specific unwritten sources of constitutional norms? The second concerns the nature of unwritten sources of constitutional norms – which unwritten sources of constitutional norms are also sources of law? Which, on the contrary, are merely political norms? We will seek solutions to these issues and answers to the questions raised in the first part of the paper, *Scope and nature of unwritten sources of constitutional norms*. In the second part, *Unwritten sources of constitutional norms in the practice of constitutional actors*, we will analyse specific unwritten sources in practice and try to illustrate the consequences of theoretical problems in the practice of constitutional actors.

2. SCOPE AND NATURE OF UNWRITTEN SOURCES OF CONSTITUTIONAL NORMS

In the Slovak constitutional system, we can encounter various types of unwritten sources of constitutional norms. If we look at the decisions of the Slovak Constitutional Court, doctrine, but also publicly available statements of constitutional actors, we can most often find three designations or constructs of unwritten sources of constitutional norms. These are constitutional custom (*ústavná obyčaj*), constitutional consuetude (*ústavná zvyklosť*) and constitutional convention (*ústavná konvencia*).[2] It is precisely in distinguishing these types of unwritten sources that we may encounter significant problems of definition and nature from a legal point of view.

[1] To give an example, the term political culture was used in public speeches by current President Pellegrini (SME, 2019) and former President Čaputová (Pravda, 2019).

[2] Sporadically, it is also possible to encounter the term political or constitutional usage - *uzancia* (Krošlák, 2016, p. 61). From the authors' point of view, the term overlaps with the term constitutional convention and its use is infrequent. For this reason, the authors only use a triad of terms.

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2.1 Constitutional Custom, Constitutional Consuetude and Constitutional Convention

Constitutional custom is the first type of unwritten sources of constitutional norms. In Slovak legal doctrine, it is possible to encounter the claim that constitutional custom is a type of legal custom which governs constitutional relevant relations (Drgonec, 2018, p. 148). It´s defining features, which Slovak legal scholars consistently used to identify it in the constitutional system (Káčer, 2018, p. 555 and Neumann, 2019, pp. 472-475). These features are *usus longaevus* and *opinio necesitatis*.[3] The first feature is the material component of constitutional custom. It is the unwritten practice itself, which must be long-term, permanent and uniform. The second feature is the psychological component of constitutional custom. In the case of the psychological component, we speak of the existence of a belief in legal bindingness. Both features must be met cumulatively, otherwise there will be no constitutional custom (Giba, 2020, p. 321). In addition to the two features of a constitutional custom mentioned above, the third feature is also forgotten. The third feature is relevance or reasoning for the constitutional system what distinguishes constitutional customs from other legal customs or social norms. Czech doctrine also works with this third feature (Antoš and Horák, 2024, p. 124) but its original author is I. Jennings who states that every constitutional rule must have its reasoning (Jennings, 1959, p. 136).

Another unwritten source of constitutional norms is constitutional consuetude. There are often claims that some constitutional consuetudes are also legal customs but this is not the case for all of them (Káčer, 2018, p. 564). In addition, we can also encounter the fact that the defining features of constitutional consuetude are essentially identical to the features of constitutional (or legal) custom and the authors themselves claim that constitutional consuetude is the closest to legal custom among the available sources of law (Orosz and Volčko, 2013, p. 116). So, is this a misnomer or an incorrect use of synonymous terms? This raises two problems. If we accept the claim that some constitutional consuetudes are also legal customs, how do they differ from constitutional customs? On the other hand, for the reasons we will discuss below, the question of the uselessness of this differentiation may arise.

The last unwritten source of constitutional norms that we come across in Slovak literature, albeit only sporadically, are constitutional conventions (Orosz, Svák et al., 2022, p. 211). There is no exact definition of a constitutional convention in Slovak literature. However, is it possible to transfer a definition from foreign authors, e.g., the one provided by Dicey? In this case, we dare to say that it is quite difficult for two reasons. The first has to do with the theory itself which Dicey himself developed and the second has to do with the Slovak authors' understanding of constitutional consuetude.

Dicey himself states that in countries with a written constitution it is possible to identify so-called *stringent conventional rules* that stand alongside the constitutional text and have almost the nature of law (Dicey, 1982, p. CXLIV). This means that Dicey recognises that in a system with a written constitution there will be another construct that is not entirely identical to what he calls a constitutional convention. We think that this construct may be the constitutional consuetude that some Slovak authors use in this sense. However, this probably does not mean that systems with a written constitution will not have constitutional conventions but rather that several levels of categories of unwritten sources of constitutional norms will be created that will need to be distinguished.

[3] In the literature, we can also encounter the terms *corpus* and *animus*, which, however, coincide in meaning with the terms *usus longaevus* and *opinio necessitatis* (Giba, 2020, p. 321).

On the other hand, some of Slovak legal scholars use constitutional consuetude as a concept that also includes norms that Dicey would rather call constitutional conventions. He understands constitutional convention - *The convention of the constitution* as the morality of the constitution which consists of rules contained in conventions, understandings, habits, or practices that regulates the conduct of constitutional actors, but are not enforceable by courts (Dicey, 1982, p. CXLI). Unenforceability by the courts is the most important part of the definition as it is intended to emphasise its non-legal or social nature. On the other hand, as already noted, it is also possible to encounter the opinion that a certain part of constitutional consuetudes are legal customs or that there is a direct meaningful connection between constitutional consuetudes and customs. This contrasts with how Dicey understands constitutional conventions. For this reason, it is possible to apply Dicey's understanding of constitutional convention but only to those unwritten sources of constitutional norms that do not have the nature of law, bearing in mind that some Slovak authors refer to these unwritten sources as constitutional consuetudes.

If we look more closely at the characteristics of a constitutional convention in the English environment, it is also necessary in their case to satisfy the material and psychological aspects associated with constitutional relevance. Jennings writes that a constitutional convention must have a precedent or series of precedents (material component), a belief in its binding effect (psychological component) and a reasoning (Jennings, 1959, p. 136). Jennings understands the aspect of binding effect like most English authors as not legally binding. Given the above-mentioned Slovak context, the authors of this article will understand the aspect of binding more broadly. Therefore, if in the following article we write about binding aspect as part of the psychological component, it is binding effect in the broader sense, which can be legal or just social or political. It will depend on the specific norm of the unwritten constitutional source.

All three unwritten sources of constitutional norms thus share the same defining features. Moreover, each of the sources is, of course, unwritten. All three unwritten sources of constitutional norms share problematic issues within the material and psychological components. These questions are the following ones: How long does the practice have to be implemented for the material aspect to be fulfilled? When can it be said that there is a belief in obligation and will it be possible to say that the psychological aspect is fulfilled? Where and on what subjects should we test this belief?[4]

However, it is not clear where the dividing line between constitutional custom, constitutional consuetude and constitutional convention will exist. The question of constitutional consuetude also remains open. In view of the above, it seems that the Slovak constitutional system could be satisfied with constitutional customs and constitutional conventions as legal and social or political norms. It seems that all the issues raised can be addressed within the framework of identifying the dividing line that should exist between constitutional norms of a legal nature and those of a social or political nature. This dividing line should also determine the conceptual scope between the individual constructs of the unwritten sources of constitutional norms.

2.2 Law or Another Social Norm?

In English literature, it is possible to identify a certain dualism in which two categories of unwritten sources of constitutional norms are created. The first is unwritten

[4] The resolution of these issues is not the subject of this article. However, there are other articles in Slovak doctrine that address these issues (Neumann, 2019).

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constitutional law and the second is constitutional conventions. The legal nature of these sources is therefore said to be what distinguishes them from each other. But how do authors approach the line that is supposed to divide unwritten sources of constitutional norms into legal and social?

There are different views in the literature on what constitutes the dividing line between constitutional norms that have the character of a legal norm and those that are merely social or political norms. First of all, this dividing line is created by judicial enforceability (Dicey, 1982, p. CXL – CXLVI). If a norm can be enforced by the courts, then it can be considered a legal norm. For this reason, most English authors do not consider constitutional conventions as a source of legal norms, but rather as a political or social norm. On the other hand, there is a minority view that constitutional conventions express important constitutional values and constitute the political morality of the constitution. Therefore, judges consider constitutional conventions to be rules based on this constitutional morality and since the constitutional system also contains legal principles at the constitutional level and legal and political principles are closely intertwined, they can be granted a legal nature (Allan, 1993, pp. 240-253). Others respond to these premises by saying that judges recognise in their decisions various rules that are not commonly regarded as law (Barber, 2009, p. 297). Some articles also reflect on whether it is useful to look for a dividing line between unwritten constitutional law and constitutional conventions (Vetzö, 2018, p. 150).

The Czech authors Antoš and Horák defined dividing lines in the unwritten sources of constitutional norms. These dividing lines are intended to bridge conceptual uncertainties and resolve the issue of legal normativity. They use three constructs - constitutional custom, established constitutional practice and constitutional convention. They use a functional analysis from which they conclude that each of these constructs plays a role in the Czech constitutional system from which its characteristic features emerge. They express these characteristics in terms of three variables: normative force, substantive breadth and applicability before the court (Antoš and Horák, 2024, pp. 134-135).

In their article, they conclude that „*constitutional customs have a normative function, because through them new or existing constitutional norms are created or changed. Their existence is therefore problematic in the system of written constitutional law from the point of view of the clarity of constitutional law, the separation of powers and the democratic deficit. For this reason, their strong characteristics (great normative force and direct applicability before the court) should be compensated by a very narrow content breadth. Established constitutional practice for the interpretation of the constitution has an interpretative and argumentative function because it serves as a tool for the interpretation and possibly the completion of written constitutional law. The balance of this construct results primarily from the fact that all three of its characteristics can be considered moderately strong. Finally, constitutional convention has a preventive and moderating function because of their ability to support the smooth and efficient functioning of constitutional processes and to facilitate the resolution of conflict situations that might otherwise threaten to bring the constitutional system to a standstill. Their strong feature is their breadth of content as they can be applied to a wide range of constitutional situations without having to rely in any way on specific provisions of written constitutional law. However, this strong feature is offset by little or no normative force and applicability before the court.*" (Antoš and Horák, 2024, p. 135). From their conclusion it can be deduced that only constitutional customs are unwritten sources of constitutional law and established constitutional practice and constitutional convention are outside this framework. The

dividing lines between these sources of unwritten constitutional norms should be their characteristic features which arise from their role in the constitutional system.

There is an argument that would prove the usefulness of using the approach of Antoš and Horák in the Slovak constitutional system. This argument refers to a certain connection between the Slovak and Czech legal cultures as both states were previously part of one state - Czechoslovakia. There is a certain continuity in scientific cooperation in the field of legal science even after the dissolution of Czechoslovakia. However, it is not entirely possible to use the mentioned approach. Firstly, it must be said that our and Antoš and Horák approach work with three conceptual constructs that still respect the dualism of the division of the sources of constitutional norms into legal and social. However, there does not appear to be a complete conceptual overlap between the designations of sources of unwritten constitutional norms. A bigger problem is the functional definition which underlies the Antoš and Horák approach and which needs to be perceived differently in the Slovak context.

Our approach which we will try to define in the next few lines is based on different assumptions and tries to maintain a certain continuity in the classification of unwritten sources of constitutional norms. Constitutional custom, constitutional consuetude or constitutional convention share identical defining features in general. Similarly to the Antoš and Horák approach, they have a different function for the constitutional system. Unlike Antoš and Horák approach, we draw attention and examine how individual defining features can develop for each unwritten source of constitutional norms.

If we take constitutional custom, it is a source that undoubtedly has a legal nature. However, this is given precisely by the high relevance for the constitutional system. Its relevance is defined precisely by the long-term operation of a certain practice which preserves the very belief in its binding nature. In the case of constitutional consuetude which we also perceive as a legal source of constitutional norms, a high relevance for the constitutional system is already present at the beginning of the formation of an unwritten constitutional norm.

It might seem that constitutional custom and constitutional consuetude are essentially two identical sources of unwritten constitutional norms. However, in the case of constitutional custom, the long-term temporal element ensures that the unwritten constitutional rule becomes established to such an extent that it is in the eyes of constitutional actors an inherent part of the functioning of the constitutional system. Its failure to comply will mean the paralysis of the constitutional body which will result in the emergence of questions related to the very application of the written constitution. On the contrary, in the case of constitutional consuetude, establishment is not the result of long time, but of necessity for the proper functioning of the constitution at the very beginning of the formation of practice. In other words, large period is not necessary for the very belief in binding nature to arise.

High relevance for the constitutional system also influences the formation of the belief in binding nature. This relevance is based on the most important constitutional principles and creates a motivational element for the constitutional actor to implement the given practice. The fact that the most important constitutional principles are the basis for relevance does not mean that we identify these two categories or that we perceive constitutional principles as unwritten constitutional norms. However, relevance is already

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a concrete connection between a specific unwritten constitutional norm and a constitutional principle.[5]

It could certainly be said that the perception of relevance as a certain motivational element determines it to be part of the psychological component. However, as we will explain in more detail below, relevance is not something that operates only in the mind of the constitutional actor, but it is an aspect that follows the very consequence for the application of the written constitution. In other words, it follows a more objective factor than just whether the constitutional actor has a belief in the binding nature of the rule he implements.

The constitutional convention is a source of constitutional norms of a social or political nature in the Slovak constitutional system. It is therefore not a source of legal norms but only of social or political ones. For this reason, a constitutional convention has a lower level of relevance for the constitutional system. The combination of a lower level of relevance and the social nature of the norms resulting from a constitutional convention creates the basis for a relatively shorter time required for its formation. At the same time, it is true that over a long period of time constitutional actors may begin to perceive the constitutional norms resulting from a constitutional convention differently. It is precisely because of their long-term effect and continuity that they may perceive these norms as highly constitutionally relevant. In such a case a constitutional convention may transform into a constitutional custom.

We can trace the connection between the individual defining features, with one influencing the other. As Jennings wrote in his work, a good reason (understood by us as a constitutionally relevant reason) significantly reduces the time needed to establish an unwritten constitutional rule (Jennings, 1959, p. 136). We think that this theory can be taken even further and we can adapt it to the environment of the Slovak written constitution. Based on the relationship between the defining features, we can determine which unwritten source of the constitutional norm is involved. The key to the determination is the defining feature - constitutionally relevant reason that establishes relevance to the constitutional system. The degree of relevance then determines whether the source of constitutional norms is legal or social in nature.

At this point, we will try to explain the very concept of a constitutionally relevant reason in more detail and why the inclusion of this concept in our theory is important. We understand a constitutionally relevant reason as the purpose for which a constitutional norm is implemented and determines the objective connection between the belief in binding (psychological component) and written constitution. It should be noted that constitutional actors in the system of a written constitution act primarily in the space framed by its text. When examining their belief in the binding of a particular rule, it is necessary to examine the purpose that relates to the very functioning of the constitutional system. Every unwritten constitutional rule will have a purpose, but its relevance for the constitutional system may be different. What exactly is the relevance? We understand relevance as the degree of justification of an unwritten constitutional norm for the constitutional and political system. Through the degree of justification in our approach, we examine whether a possible deviation from an unwritten constitutional norm will have serious consequences for the constitutional and political system, which is framed by a written constitution. Of course, every unwritten constitutional norm will be

[5] A good example would be the assignment to form a government. The basis of relevance is the principle of parliamentary republicanism, which is framed by the Slovak Constitution. However, relevance is specifically manifested in the fact that the assignment to form a government creates a specific functional mechanism for the better functioning or fulfilment of the general principle.

relevant, but its violation or non-compliance will not always have the same serious consequences, e.g., on the creation of the government or responsibility relations between constitutional bodies.

Why is all this important? If we were to examine only two features – the material and psychological component, it is possible to state that the result would be largely subjective. The fact that the consequence of proceeding in violation of an unwritten constitutional norm can be the paralysis of a constitutional body and thus of the constitutional system is a state that we can assess more objectively than just the conviction of a constitutional actor or the relatively long duration of a period of time. The consequence of non-compliance is manifested in the specific problematic application of the written constitution. We have stated that relevance affects both the psychological and the material component and is interconnected with them. The material one in that it shortens the time aspect for forming an unwritten rule, and the psychological one in that it creates a motivational element for complying with an unwritten norm.

Here it is possible to return to constitutional consuetude and the reasons for using this term in the Slovak constitutional system. In the Slovak constitutional system, perhaps not with the intention of individual authors, the term constitutional consuetude has proved itself although in some places its use is not entirely correct according to the authors of this article. Constitutional consuetude fills a certain grey area that naturally arises between constitutional custom and constitutional convention in Slovak constitutional system. This grey area is created by an overly rigid approach to individual defining features that does not consider their interdependence. This is manifested in an overly vague approach to examining the fulfilment of long-term or belief in binding nature. Constitutional consuetude is a construct in the Slovak constitutional system that is intended to bridge the strict and relatively vague framing of the norms of unwritten constitutional law. We have pointed out that Dicey also identified so-called strict or stringent conventional rules in written constitutions which exist side by side the constitutional text and cannot be fully summarised in the concept of a constitutional convention. This description fits on term constitutional consuetude in Slovak constitutional system. It is a construct that is not entirely peculiar to an unwritten constitution, but is, on the other hand, natural in a written constitution. Moreover, its legal nature distinguishes it from constitutional conventions filling the space between customs and conventions.

Our approach provides the same answer to the question of what constitutes the dividing line between the constructs we classify as unwritten sources of constitutional norms and what constitutes the dividing line between unwritten constitutional law and social or political constitutional norms. From our perspective, this dividing line is the intensity of relevance for the constitutional system. In our view, the way in which relevance to the constitutional system manifests itself is the key to identifying whether there is a constitutional custom, a constitutional consuetude or a constitutional convention but also whether there is a constitutional norm or simply a social or political norm.

We assume that legal norms are norms that the state not only creates but also enforces their observance through the judiciary which uses them as the basis for its legal argumentation (Procházka and Káčer, 2019, p. 152). If we look at the individual unwritten sources of constitutional norms, then the criterion for their enforcement by the judiciary must be based on the importance or relevance for the constitutional system. Here, we partially reach the dividing line that Dicey already wrote about - enforceability by the court. However, from our point of view, this is only an external or formal indicator that occurs only after the formation of the unwritten constitutional norm, or rather, only after a certain

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time interval from when the unwritten constitutional norm arose. The relevance for the constitutional system remains essential and determines the dividing line between constitutional legal and constitutional social norms from a material point of view.

However, is it possible to measure the intensity of relevance for the constitutional system? Slovak constitutional law literature characterises constitutional relations not only as legal relations but also as political relations (Orosz, Svák and Balog, 2012, pp. 67-69). Constitutional relations are therefore a combination of legal and political relations. In some cases, the legal aspect of constitutional relations dominates over the political aspect and vice versa. Unwritten constitutional norms serve their purpose in both situations mentioned. The dominance of the legal aspect means higher constitutional relevance for the functioning of the constitutional legal system. In other words, normative legal effect is required to fulfil the purpose of such an unwritten constitutional norm. These are cases when a norm regulates a relationship that is important in the creation of a constitutional body or resolves the issue of its powers. Alternatively, it is a relation that defines the position of one constitutional body to another. This is where the legal unwritten sources of constitutional norms come into play – constitutional customs and constitutional consuetude. On the contrary, where the political aspect prevails and the purpose of the norm's existence is primarily the functioning of the political system, it is a constitutional convention. The more the norms touch the essence of the functioning of the constitutional system - the creation of constitutional institutions, the relations between them, or the division of powers itself - the greater the intensity of their relevance for the constitutional system is.

Why is our approach important? The Slovak Constitutional Court has mentioned in its decision-making practice the norms that can be classified as unwritten constitutional norms [e.g., Slovakia, Constitutional Court of the Slovak Republic, PL. ÚS 4/2012 (24 October 2012); I. ÚS 397/2014 (4 December 2014); I. ÚS 575/2016 (6 December 2017)]. However, the use of terminology by the Constitutional Court is not clear and there is no specific methodology by which the Constitutional Court justified the formation of a specific unwritten constitutional norm, or source.[6] Therefore, we have created a certain prescriptive approach that determines the basic rules according to which it would be possible to proceed. This is an approach as if the Constitutional Court should decide. The approach created by the authors and the formation of terms such as relevance or constitutionally relevant reason are not far from the methodology that the Slovak Constitutional Court generally applies in other cases. The Slovak Constitutional Court considers the impacts on the constitutional system through an evaluation of the constitutional intensity (relevance) of the violation of constitutional norms in its argumentation. These considerations form the basis of the Constitutional Court's conclusions.[7] Our approach follows this trend. For this reason, we have formulated a third element –the element of relevance, which is the determining distinction between law and political norm.

[6] A detailed analysis of the Constitutional Court's decisions related to unwritten constitutional norms was prepared by Marek Káčer (2022, pp. 8-10).

[7] This includes, for example, evaluating the non-compliance of an act of parliament that was adopted in violation of the rules of the legislative process [Slovakia, Constitutional Court of the Slovak Republic, PL. ÚS 13/2020 (11 May 2022)] or considering the options for deciding on the compliance of a Constitutional Act with the Constitution [Slovakia, Constitutional Court of the Slovak Republic, PL ÚS 8/2022 (12 October 2022)].

3. UNWRITTEN SOURCES OF CONSTITUTIONAL NORMS IN THE PRACTICE OF CONSTITUTIONAL ACTORS

As part of a practical illustration of the functioning of the unwritten components of the Slovak constitutional system, we will focus on several specific procedures. We will also demonstrate the connections that lead to greater or lesser differences in their legal nature. We will gradually address the assignment to form a government (2.1), the method of appointing the government (2.2), the order in which the assignment to form a government is granted (2.3) and the presidency and vice-presidency of the Slovak Parliament (2.4).

3.1 Assignment to Form a Government

The first example where we can speak of a constitutional custom in the Slovak constitutional system is the so-called "assignment to form a government". The emergence of this constitutional custom indirectly resulted from the proportional electoral system that is applied in Slovakia in parliamentary elections. In practice, this electoral system means that no political party alone gains a majority in parliament. From the perspective of governance, after each parliamentary election, the question is which parties together will form a parliamentary majority. The custom is that the Prime Minister is always proposed by the strongest of them. The government is subsequently appointed by the president. The constitutional custom, for which the term "assignment to form a government" has already become a well-established expression, is related to the processes that take place before the appointment of the government itself.

Before the appointment of the government, the President of the Republic entrusts one person, the presumed Prime Minister, with the formation of the government. However, this type of assignment is not supported by any text: the Constitution only establishes that the President of the Republic shall appoint the Prime Minister and, on his proposal, the other members of the Government, and shall dismiss them [Art. 102, paragraph 1, letter g), Art. 110, paragraph 1 and Art. 111]. Since the proportional nature of the Slovak electoral system requires the formation of coalitions, the practice of assignment emerged as early as 1994, after the first elections under the current Constitution. This practice has not only been preserved since then but has also developed without the Constitution even mentioning it.

In Slovakia, the appointment of a government has always been preceded by an assignment to form a government, which was previously granted by each President (including the sitting President). The act of assignment was even used in 2023 when appointing the caretaker government of Ľudovít Ódor, which from the beginning did not have the conditions of gaining confidence in parliament. It has also been the case so far that when a government was formed immediately after elections, the president always first assigned the formation of the government to the representative of the party that came first in the elections. He did so even when it was clear that, despite the first place, this party had lost the elections and would not form a government, because the parliamentary majority led by the second strongest party had in fact already been formed (1998, 2002, 2010). If the first assigned leader formed the government, the President appointed him as the prime minister and immediately appointed the other ministers on his proposal. If he did not form it, he returned the assignment to the President, who immediately assigned the representative of the second party in the order. So far, the second attempt has always led to forming a government, and it has subsequently been

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appointed. A representative of the third or next most successful party has never received the assignment.

Looking at this summary of the procedures that have been followed without exception so far, it is not easy to conclude that they have nothing to do with the law.[8] The assignment is given in written form, publicly and with a certain ceremony. The assignment has never been given to more than one person at a time, and another person has not received it before its first holder has formally returned it to the President of the Republic in the event of failure of negotiations. The act of returning the assignment only emphasises that this is more than just a factual procedure that may or may not be carried out. From a material point of view, there are clear, constant procedures repeated after each parliamentary election. More than three decades of existence, the execution of the act of assignment by five different Presidents (and two acting presidents), nine parliamentary elections and one caretaker government in the meantime, already make it possible to establish relatively reliably also the fulfilment of the time condition. The past is already deep and varied enough to say that the "phase of uncertainty" is behind us, which inevitably precedes the definitive emergence of each constitutional custom and during which a way back is still possible. This phase of uncertainty was declared by legal science a few years ago (Giba, 2020, p. 341), but we believe that the very little that this constitutional custom may have lacked for completion until recently has already been acquired.

At the very beginning of the formation of this practice into an unwritten source of constitutional law, it was not possible to speak with certainty of anything constitutionally binding. However, the very long duration of implementation has established this practice, and from the perspective of constitutional actors, it is undoubtedly perceived as constitutionally relevant. Retrospectively, we can state that the constitutional actors have very soon recognised the relevance of this practice. The constitutional relevance or justification for this practice has been solidified by the long-term operation, which created the prerequisites for the confirmation of the given rule by constitutional actors as legally binding. By the way in which constitutional actors approached the assignment over time (the aforementioned return of assignments, the assignment granted when forming a caretaker government), they demonstrated the constitutional relevance of the practice and the justification for its implementation. This fact is crucial in identifying it as a constitutional custom.

Today, we can state that, by virtue of constitutional custom, the formation of every government in Slovakia must be preceded by an act of assignment to form a government. In the period from the assignment to form a government to the appointment of the government, two things are expected of the assigned person: first, declaring the existence of a parliamentary majority (this requirement may very exceptionally not apply, e.g., in the situation of appointing a caretaker government in the clear absence of any parliamentary majority); second, delivering personnel proposals for each ministerial position in the future government.

3.2 Method of Appointing the Government

In connection with the creation of the government, there is another essential (and sometimes overlooked) issue, which is practically very significant and not addressed in

[8] However, in connection with the assignment to form a government, some authors state that this practice is not part of the constitutional legal system. One of these authors is Ján Drgonec. He claims that the relations prior to the appointment of the Prime Minister of the Slovak Republic is not of a legal nature (see Drgonec, 2006, p. 763).

the constitutional text. The point is whether 1) the act of appointing the Prime Minister and the act of appointing the other members on his proposal should (can) take place with a time gap (days to weeks) or 2) should take place in immediate succession, i.e., *de facto* at the same time. In other words, whether the parliamentary majority should be sought by a person already in the position of Prime Minister, or only by an "assigned person", who will become Prime Minister only on condition that he finds a parliamentary majority. Both are conceivable: it does not follow from Art. 110 and Art. 111 of the Constitution that the appointment of the Prime Minister and other government members must take place within a matter of minutes. A procedure would also be permissible where the President would first appoint the Prime Minister, who would submit proposals for ministers to him a few days later, and their appointment would take place subsequently. The choice between two aforementioned options belongs to the President as the presumed Prime minister has no means to impose one of the possible options upon the President. Unlike the Czech Republic, which followed the first possible path, the Slovak Presidents have adopted the practice of appointing the Prime Minister and the other members of the government immediately one after the other. The assigned leader must therefore find a parliamentary majority (and submit proposals for other members of the government to the President) not only before appointing ministers, but also before appointing himself as Prime Minister. This is precisely why there was space for an "assignment to form a government", which the constitutional text does not mention. In fact, the assignment serves to ensure that the President can proceed to appoint the Prime Minister only on the assumption that the government would gain the confidence of the parliament.

The appointment of the Prime Minister and members of the Government at one point in time means that until the Prime Minister receives his own appointment decree from the President and takes the oath, he is not the Prime Minister. He is still only a person "assigned to form a government" in compliance with the constitutional custom. Therefore, the regime that applies to the relationship between the President and the Prime Minister cannot yet be applied to the relations between the assigned leader and the President. First, the question of whether the President is obliged to accept the personnel proposals of the "Prime Minister" is not relevant, because at the time when they are actually submitted to him, they are not yet submitted by a person in the position of Prime Minister. At the moment when these proposals are submitted to the President *de iure*, i.e., immediately after the Prime Minister has received his own appointment decree and taken the oath, they are already proposals with which the Head of State is familiar.

This nuance implies that if the President were fundamentally against a certain ministerial nomination or nominations, he has the possibility of "threatening" the person in charge of forming the government that he will not appoint him as Prime Minister if he intends to submit such personnel proposals to him after his appointment. Even the possible opinion that the President is always bound by the proposals of the Prime Minister for the appointment of ministers could not resolve such a conflict to the detriment of the Head of State, since this is not yet a relationship between the President and the Prime Minister. The threat of not appointing the Prime Minister is politically extreme, but legally Article 110 of the Constitution leaves no doubt that the President appoints the Prime Minister without a proposal, that is, officially at his own discretion. Although at this stage of government creation the constitutional quality of the relationship between the President and his "partner" is different, let us add that, in general, the President should be very restrained in rejecting proposals.

All governments that were formed during the era of the current Constitution were appointed according to the procedure described, i.e., in such a way that the appointment of the Prime Minister and other members of the government took place at the same time.

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There has never been any consideration or suggestion that this should happen with a time gap. Therefore, we can quite reliably describe this procedure as a constitutional consuetude, which also correlates with the constitutional custom of the assignment to form a government, with which it forms a logical and meaningful whole. The assignment to form a government would not make much sense if only the Prime Minister (without the other members) were to be appointed subsequently, about whom it would not yet be known whether he formed a parliamentary majority. Conversely, when it is already clear from the assignment to form a government that the designated leader has formed a majority, there is no point in separating the appointment of the Prime Minister and the appointment of the other members in time.

This constitutional consuetude undoubtedly strengthens the President in the process of creating a government. For this reason alone, it is unlikely that a President would one day consider appointing a Prime Minister without the other members. However, if he did so, he would create a situation that is not yet known for the constitutional system, which would raise quite a few constitutional questions. The incumbent government always ends its term only when the (entire) new government is appointed, not just its Prime Minister. The simultaneous appointment of the Prime Minister and the other members therefore makes it possible to avoid a situation where *de iure* two Prime Ministers are acting in the Republic at the same time, one at the head of the old government, the other for the time being without a government. This would legitimately raise the question of whether both (or which one of them and to what extent) can perform the acts that the Constitution associates with the function of Prime Minister.

Another practical problem that would arise from such a situation would be the question of what to do with a Prime Minister, who, although he does not form a parliamentary majority, nevertheless submits to the President, pursuant to Article 111 of the Constitution, personnel proposals for the appointment of other members of the Government and insists on their appointment, stating that he wants to try to gain confidence in parliament. If we were to accept that the President is obliged to comply with him, then this could lead to the appointment of governments for which it would be clear from the beginning that they would not gain confidence. The operation of such governments would not be beneficial to the proper functioning of the constitutional bodies, which the President is obliged to ensure under Art. 102 para. 1 of the Constitution. If the President were not willing to comply, the question would arise of how to remove such a Prime Minister from office. Could the President simply dismiss him? On what basis? Could the Parliament vote no-confidence in him? Theoretically, yes, but what if there were not sufficient majority in parliament for such a step?

In view of the above context and considering the long-term, clear, established, repeated practice, and especially taking into account the high relevance for the constitutional system, we state that the Slovak constitutional system, based on constitutional consuetude, requires that the appointment of the Prime Minister and other members of the new government must always take place in immediate succession. Otherwise, serious constitutional questions would arise, which could, in the extreme case, result in a constitutional-political crisis. If the President were to appoint only the Prime Minister himself, he would violate this binding constitutional consuetude in conjunction with Art. 102 para. 1 of the Constitution, which obliges him to ensure the proper functioning of constitutional bodies.

As we mentioned above, we understand this practice as a constitutional consuetude. This is because at the very beginning of the given practice there was a certain constitutional relevance and a constitutionally relevant reason for its implementation. This is represented by the above-mentioned issues related to the

appointment of the government itself, but also the ensuring of the proper functioning of constitutional bodies.

3.3 The Order of Granting the Assignment to Form a Government

The very fact that the appointment of a government in Slovakia is to be preceded by an act of assignment to form a government can, based on the above, be considered a legally binding unwritten constitutional norm. However, another sub-question is related to this, which represents a separate problem, potentially another unwritten constitutional norm. The issue is whether the assignment, which as such must precede the appointment of a government: (alternative 1) must first be granted by the President to the representative of the strongest parliamentary party, or (alternative 2) the President may grant it at his discretion to the person he considers to have the best chance of forming a government, or (alternative 3) whether the President has complete freedom and can grant the assignment to whoever he wants, according to his subjective (political) preferences.

The alternative 3) can be rejected outright on the grounds that no President has ever even hinted that he would feel entitled to such discretion regarding the granting of an assignment, which would depend only on his subjective preferences. Nor has legal science ever presented such an opinion, which, after all, would lack a legitimate reason. Let us therefore consider it certain that the President's discretion in granting an assignment to form a government is limited. The only question is to what extent.

In legal science, the opinion has long emerged (Orosz and Volčko, 2013, pp. 121-122) that there are no prerequisites for the emergence of a constitutional custom in Slovakia, according to which the first assignment to form a government should be given to the leader of the party that received the most votes in the elections. This opinion is based on the constitutionally enshrined obligation of the President to ensure the proper functioning of constitutional bodies through his decisions (Art. 101, para. 1). This obligation „*in principle 'orients' the President to assign the formation of the government to a person who, given the election results, has real prospects of 'forming' a government that will have an effective parliamentary majority, i.e., in the interest of constituting a new government as quickly as possible (and thus ensuring the proper functioning of constitutional bodies), to give preference to the leader (or other member) of a political party that has sufficient coalition potential (i.e. is capable of forming a government coalition with other parliamentary political parties that has the required majority in parliament) over the leader of the strongest parliamentary political party. The opposite procedure could, under certain circumstances, be assessed as an 'unnecessary waste of time', which obviously prolongs the process of transferring power into the hands of the 'real' winner of the elections*." (Orosz and Volčko, 2013, pp. 121-122). This opinion therefore represents quite a clear inclination towards the alternative 2). To some extent, it is weakened by two reasons. Firstly, this opinion was expressed more than a decade ago, thus without the possibility of taking into account later developments, during which three parliamentary elections took place and six new governments were formed. Secondly, in the application practice, it has never happened that the strongest party in the order was omitted, and the second one was assigned (in this case, we cannot count the caretaker government of

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Ľudovít Ódor, which was formed under specific circumstances and, by the nature of the matter, unrelated to the situation in parliament).[9]

We can find several authors in the Slovak theory categorically endorsed the alternative 1. One of them is Jakub Neumann (Neumann, 2021, pp. 386-392). In short, he claims that after the elections, the President must always first assign the formation of the government to the representative of the first party in line (whom he automatically designates as the "*absolute winner of the elections*", which is incorrect in our opinion and logically untenable given the proportional electoral system). If the first person assigned does not form the government, according to Neumann, the President can grant the next assignment to the person he assumes has the best chance of forming the government. This view was directly and in detail opposed by one of the authors of this article (Giba, 2021). We fully subscribe to the detailed argumentation presented in the mentioned work and do not consider it necessary or even possible to reproduce them in detail in this paper. Therefore, we briefly summarise this counter-opinion as follows: the President should, in principle, grant the first assignment to the representative of the strongest parliamentary party, and the President's different political conviction is not a reason not to do so. However, an exception to this principle can be made if it is justified by truly extreme circumstances. The common denominator of these circumstances could be, in short, that the fundamental values of our democratic constitutional order are already being questioned (Giba, 2021, p. 406). There could be a reason for such a step, for example, if, with a large fragmentation of votes, an extremist political party ended up in first place, for which it would also be obvious that it has no chance of forming a coalition.

We conclude this issue by saying that the rule according to which, after elections, the President must mechanically, without thinking and without taking into account anything other than the order of the parties, grant the first assignment to form a government to the leader of the party with the highest number of votes cannot be recognised as a constitutional custom or consuetude. If, for the needs of the Slovak constitutional system, we accept the threefold division into constitutional custom, constitutional consuetude and constitutional convention, then the fact that the first assignment is *in principle* given to the leader of the first party in order is a relatively clear case of constitutional convention. This assignment is generally expected, the President is naturally inclined to do so, but if this was not to happen exceptionally and the first assignment was given to the leader of a party other than the strongest one, it would not be an objectionable procedure or a violation of the established mechanisms associated with the constitutional custom of the assignment to form a government.

In other words, in this case there is a constitutional rule that can be argued to be most likely a constitutional convention. This is because, despite its relatively long implementation, it cannot be noted that this practice has a high degree of constitutional relevance and reasoning from the perspective of constitutional actors. However, it is not impossible that it will gradually transform into a constitutional custom over time.

[9] It might seem that this happened after the parliamentary elections in 2002, but this is not true. At that time, President Schuster gave a written assignment to the leader of the second strongest party (Mikuláš Dzurinda). However, he did so only six days after the elections, after giving the leader of the first party in line (Vladimír Mečiar) a five-day deadline to form a government coalition and after Mečiar informed him that he had failed to form a government. Dzurinda highlighted this action of the President as an intention to shape the political culture in Slovakia. See also Hospodárske noviny (2002); SME (2002).

3.4 Presidency and Vice-Presidency of the Slovak Parliament

Over the years, certain practical procedures have developed in Slovakia related to how the positions of the President and Vice-Presidents of the National Council are filled. These positions are strongly political and, by their nature, can only be occupied by someone from among the deputies (it is interesting that this elementary self-evident fact is not enshrined anywhere in the Constitution or in the law, but this is not our intention to discuss now). It follows from Articles 89 and 90 of the Constitution that the President and Vice-Presidents are elected by the Parliament in a secret ballot and an absolute majority of the votes of all deputies is required for election. They can be dismissed at any time by the same procedure. The political nature and the process of creation of a certain position do not in themselves exclude the gradual emergence of unwritten rules that can be applied in these processes and could progressively acquire the nature of a legal norm.

As for the position of the President of the National Council, in coalition governments there is a tendency to give this post to the second strongest coalition party, or to a different coalition party than the one that nominates the Prime Minister. It might therefore seem that an unwritten rule excludes the cumulation of the positions of Prime Minister and President of the National Council in the hands of the same political party. However, this practice is not followed absolutely, since in the years 1994–1998 and 2006–2010, despite the coalition nature of the governments, the presidency of the Parliament belonged to the strongest government party, together with the position of Prime Minister. A closer look shows that the more balanced the positions (number of mandates) of the government parties are, the more certain it becomes that the presidency of the National Council will not belong to the party that wins the position of Prime Minister. However, this may not be the case in coalitions where one party is significantly dominant in relation to the others.

It is clear that when it comes to the processes of electing the President of the National Council, it is not possible to speak of a stable or long-standing practice and probably not of a high constitutional relevance or reasoning for the constitutional rule in question. For this reason, it is not possible to observe a constitutional custom or constitutional consuetude.

It is even questionable whether one can even speak of a constitutional convention, since the practice of dividing the functions of the President of the National Council and the Prime Minister between different coalition parties lacks not only the presumption of bindingness and any judicial enforceability, but also apparently stability, because contradictory procedures have occurred, even repeatedly.

However, it is more interesting to look at certain practices associated with filling the positions of vice-presidents of the Parliament. Since 1998, a practice has been carried out according to which one of the four positions of vice-presidents of the Parliament was given to a representative of the opposition (during the "monochrome" – non-coalition government in 2012–2016, the opposition received up to two positions of this kind in the National Council). This practice could be understood as a certain gesture of the ruling majority towards the opposition and its voters, as a certain contribution to a higher political culture in Slovakia. It would be difficult to view it as a constitutional custom or consuetude: from the overall behaviour of the actors, it never seemed that they perceived it as their duty, and therefore a constitutional norm.[10] Likewise, it cannot be said that filling one position of vice-president of the Parliament is a procedure that has high relevance for the constitutional system. However, this practice quickly became accepted as

[10] Similar opinion can also be found in articles by other authors. See Ruňanin (2024, pp. 117-118).

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something that is expected of the governing majority and that is "due". From this perspective, it could be a relatively good example of constitutional convention.

This procedure has been practiced continuously across election periods for over 25 years and has always been generally expected. Even after the election of the current National Council in 2023, one position of vice-president was occupied by an opposition representative, who was also the leader of the strongest opposition party (Michal Šimečka). Nevertheless, about a year after the elections, in September 2024, this vice-president of parliament was removed from office by votes of coalition deputies. This was an unprecedented step, as it had never happened before that the Parliament had removed an "opposition" vice-president. This did not happen even when the vice-president left the party that nominated him for this position during the election period.

The dismissal of Michal Šimečka in 2024 caused a great political turmoil, but no doubts about the constitutionality of this step. At the same time, however, the post has remained vacant for almost a year, it has not been filled by a nominee of the coalition, which verbally proclaims that this post "belongs" to the opposition. Therefore, certain inhibitions can be seen here, which indicate that despite the unprecedented intervention in the form of the removal of the opposition vice-president of the Parliament from office, there is no clear intention to deny the constitutional convention as such. The relevance of this hypothesis will be tested mainly by developments after the next parliamentary elections.

4. CONCLUSION

The topic of unwritten sources of constitutional norms is challenging both theoretically and practically. In the article, we demonstrated that distinguishing between the various categories of unwritten constitutional norms is challenging and problematic. Theoretically, there is no consensus on which criteria should be applied to this distinction, or which terms are most appropriate for capturing the essence of the issue. First, our ambition and aim were to demonstrate, at a theoretical level, the suitability of using the terms "constitutional custom", "constitutional consuetude", and „constitutional convention" for procedures occurring in Slovak constitutional law. Secondly, we defined a classification criterion distinguishing between legal and social unwritten constitutional norms or sources. This criterion is constitutional relevance, which may vary in intensity in its relation to the constitutional system. All unwritten sources of constitutional norms are, of course, constitutionally relevant. However, some are more important in relation to the constitutional legal system (e.g., the separation of powers, the creation of the government, the powers of constitutional bodies), while others are more significant in political relations (e.g., agreements between parliamentary political parties on filling positions). We included constitutional custom and consuetude in the first group and constitutional conventions in the second.

We applied this theory to specific examples from the practise of the constitutional bodies and demonstrated that this theoretical framework enables us to adequately cover Slovak constitutional practice. Applying the above theory to specific examples also demonstrated its functionality in the context of the Slovak constitutional system.

By their very nature, unwritten sources of constitutional norms are necessarily largely amorphous. Therefore, it is impossible to frame them with the same exactitude as statutory texts or court decisions. Nevertheless, this does not alter the fact that categories of unwritten sources of constitutional norms exist in principle in every constitutional system, and conversely, that no functioning constitutional system can

exist without them in the long term. It remains the responsibility of specific constitutional actors to apply unwritten norms in good faith and with due awareness of the impact of their actions on the continued functioning of the constitutional and political system.

To enhance the clarity of our analysis, we conclude by presenting a table that summarises the arguments set out above.

Category of unwritten constitutional source	Time factor for forming	Binding	Relevance	The example from constitutional practice
Constitutional custom	Long-time period	Legally Binding	High - determined by long-term practice	Assignment to form a government
Constitutional consuetude	Relative short-time period	Legally Binding	High and present from the beginning of the practice	Method of appointing the government
Constitutional convention	Relative short-time period	Social – political binding	Low	Presidency and vice-presidency of the Slovak Parliament

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