

CONSTITUTIONAL-POLITICAL CRISES IN A PARLIAMENTARY FORMS OF GOVERNMENT AND LEGAL OPTIONS FOR RESOLUTION (BRATISLAVA, 21 MARCH 2025)

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On March 21, 2025, an international scientific conference titled "Constitutional-Political Crises in a Parliamentary Forms of Government and Legal Options for Resolution" was held at the Faculty of Law of Comenius University Bratislava. The conference was organised by the Department of Constitutional Law as one of the outputs of a scientific project under the title of "Constitutional-political crises caused by the loss of confidence of parliament in the government and possibilities for their resolution", which was supported by VEGA grant No. 1/0331/24.

The main objective of the scientific conference was to provide a space for the presentation and exchange of knowledge related to systematic (functional) shortcomings of constitutional systems based on the principles of parliamentary government, particularly with regard to the mutual relations between the government, the head of state, and parliament. The conference also aimed to present and exchange knowledge leading to possible solutions to constitutional crises caused by the loss of confidence of parliament in the government, with an emphasis on possible constitutional changes.

The opening session commenced with an introductory speech by one of the conference guarantors and head of the research team, Assoc. Prof. JUDr. Marek Domin, PhD., who particularly highlighted the participation of distinguished guests from Slovakia and the Czech Republic. One of them was Prof. JUDr. Ladislav Orosz CSc., who opened the first panel with his paper titled "Legal Instruments for Resolving the Constitutional and Political Crisis in the Slovak Republic (Do They Need to Be Changed or Supplemented?)." In it, the author analysed, among other things, the characteristic features of the constitutional political crisis and, at the *de lege lata* level, assessed the ability of the Slovak constitutional system to respond to them. The program then continued with presentations by three other speakers. The second speaker was the head of the Department of Constitutional Law at the Faculty of Law of Comenius University Bratislava, and also the second guarantor of the conference – Prof. JUDr. Marián Giba, PhD. – who analysed the issue of the functioning of the government under a regime of limited powers. In the next contribution, Assoc. Prof. JUDr. Marek Domin, PhD. focused on a comparative analysis of cases and conditions under which the head of state can dissolve parliament (or one of its chambers) in selected European countries, with an emphasis on the possibility of streamlining the powers of the President of the Slovak Republic to dissolve the National Council of the Slovak Republic. The first section concluded with a presentation by Assoc. Prof. Milan Hodás, PhD., on the impact of EU membership on interinstitutional relations.

The second panel, consisting exclusively of foreign guests, was opened by Assoc. Prof. JUDr. Zdeněk Koudelka, PhD. from the Faculty of Law at Masaryk University in Brno, who examined the position of a government without confidence in Bohemia, Moravia, and Silesia, with an emphasis on practical examples from the recent Czech past. He was followed by Assoc. Prof. JUDr. Robert Zbíral, PhD., also from the Faculty of Law at Masaryk University in Brno, who directed his contribution toward the impact of the insufficient agenda-setting role of the executive in parliament, or rather the state of the government circumventing the government in the conditions of the Czech parliament. The third speaker, Prof. JUDr. Karel Klíma, CSc., Dr. hab. from the Faculty of Law at Metropolitan University Prague, addressed the topic of "Dilemmas of the parliamentary form of government and the role of constitutionality as a guarantor of its stability." The second panel concluded with a presentation by Assoc. Prof. JUDr. Jiří Jirásek, CSc. from the Faculty of Law, Palacký University in Olomouc, who analysed the problem of governments whose personnel consists of experts instead of elected representatives.

The third panel was opened by Assoc. Prof. JUDr. PhDr. Pavel Maršálek, PhD. from the Faculty of Law, Charles University in Prague, who discussed the topic "Czechoslovak Parliamentarism in 1938-1948: between doom and salvation." Then Assoc. Prof. Marek Káčer, PhD. from the Institute of State and Law of the Slovak Academy of Sciences discussed the constitutional aspects of the case of the donated Mig fighter jets to Ukraine, which has stirred up the waters of Slovak constitutionalism (and also Slovak society as such) in recent years. The third speaker, Mgr. Vincent Bujňák, PhD. from the Faculty of Law of Comenius University Bratislava, discussed the possibilities of the material core of the constitution to act as a saviour of the dismissed government (functioning in a limited scope of powers), through the procedure of judicial review, reflecting the recent conclusions of the Slovak Constitutional Court, as well as constitutional changes. The third panel discussion was concluded with the contribution of JUDr. Eva Čelková, PhD. and Prof. JUDr. Livia Trellová, PhD. (both from the Faculty of Law, Comenius University Bratislava) on the effectiveness of the competences of constitutional bodies in the Slovak Republic after mistrust pronounced towards government.

The fourth block of contributions followed. The first speaker was JUDr. Stanislav Gaňa, PhD., from the Faculty of Law of Comenius University Bratislava, who reflected on the possibilities of solving the situation when the government loses the trust of the Parliament, which is the primary source of its legitimacy in the Slovak Republic. Afterwards, JUDr. František Pažitný, PhD. from the Institute of State and Law of the Slovak Academy of Sciences, presented a reflection on the appropriateness of the constitutional practice of withdrawing the credentials of the members of the dismissed government as well as the subsequent granting of credentials in the conditions of the dismissed government by the President. As the third, Mgr. Samuel Cibik, PhD., also from the Institute of State and Law of the Slovak Academy of Sciences, discussed the topic "Restricting participation in political life as a solution to the instability of the parliamentary form of government". JUDr. Peter Matuška, PhD., LL.M. from the Faculty of Law of Comenius University Bratislava followed with a contribution on the legal aspects related to the declaration of invalidity of the elections to the National Council. The fourth and last panel was concluded by the doctoral student Mgr. Martin Búran with a contribution on the impact of constitutional crises on human rights.

The conference was closed with a speech by Assoc. Prof. JUDr. Marek Domin, PhD., in which he warmly thanked all participants, appreciated the significant discussion that arose after several contributions and pointed out the desirability of further dealing with the issue - also because of the diversity of views that were expressed at this conference. Primarily, however, because the parliamentary form of government is highly sensitive to constitutional crises.

