

The Path to the Establishment of the Police of the Slovak Republic, the Transition Period (1990–1992)

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Introduction: In the years following the Czechoslovak regime change, between 1990 and 1992, fundamental political changes took place that directly affected the functioning of law enforcement agencies. In the process of the Slovak Republic becoming independent, it became necessary to rethink law enforcement structures, replace the former federal and state security model, and establish a national police force operating on democratic principles.

Objective: The aim of this study is to show how the political transition and the process of state independence influenced the establishment of the Slovak police force. It examines its legal and organisational framework, as well as the process of alignment with democratic norms.

Method: The author conducted his research using Hungarian and Slovak literature, sources managed by the Police Academy of the Slovak Republic, contemporary Slovak legislation, and analyses of transcripts provided by Slovak police authorities.

Results: The transformation of the Slovak police force took place in several stages. The first step was taken in 1990 with the depoliticisation of the organisation and the dismantling of the former state security structures. Between 1991 and 1992, the Slovak internal affairs agencies gradually became independent, new legislation was drafted and adopted, and the process of building a professional workforce began. By the end of 1992, the organisational and institutional foundations had been laid for the independent Slovak Republic to establish its own police force on 1 January 1993.

Conclusion: The establishment of the Slovak police force was closely linked to the creation of state sovereignty. It confirmed that the political independence, modernisation and strengthening of the social legitimacy of law enforcement agencies are essential for the success of democratic transition. The reforms

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of that era determined the long-term operating principles and organisational culture of the Slovak police, which continue to influence the maintenance of public safety to this day.

Keywords: division of the Czechoslovak police force, Slovak police force, Slovak police law

Introduction

Following the breakup of Czechoslovakia on 1 January 1993, Slovakia became a member of the international community as an independent state. The political transformation of the Czechoslovak Socialist Republic in 1989 meant not only the dismantling of party-state structures, but also a profound transformation of the entire state administration, including law enforcement agencies. A key element of independent statehood was the re-establishment and reorganisation of law enforcement agencies. This did not merely mean the adoption and continuation of the former Czechoslovak institutional structures, but also the creation of a new legal and organisational framework for a new institutional system whose purpose and task were to ensure the functioning of a democratic state governed by the rule of law. The police, which had been one of the most important instruments of the communist regime, was one of the most critical areas of democratic transformation. The Czechoslovak police force did not cease to exist as such. With the separation of the two countries, the Czech Republic and Slovakia, the new Czech police force and the Slovak police force were created. The aim of this study is to present the democratic transformation of the Czechoslovak police between 1989 and 1992, the process of separation, and its impact on the Slovak police.

The antecedents and period of democratic transition, 1989–1992

Although the study deals with the organisation, operation and legal framework of the police force of the democratic Slovak Republic, it should not be overlooked that until the end of 1992, Slovakia was part of Czechoslovakia, and the Slovak police force was part of the Czechoslovak police force. (On 1 March 1990, Slovakia changed its name from the Slovak Socialist Republic to the Slovak Republic, and on 29 March 1990, the Czechoslovak Socialist Republic was renamed the Czechoslovak Federal Republic.)

The starting point for the changes was the commemoration events organised by university students in Prague on 17 November 1989, in memory of Ján Opletal, which were authorised by the communist leadership and went down in modern history as the “Velvet Revolution”.

On 28 October 1939, a student demonstration was organised in Prague to mark the 21st anniversary of the Czechoslovak Republic. The demonstration was also a protest against the Nazi occupation of Bohemia, Moravia and Silesia. During the demonstration, baker’s apprentice Václav Sedláček was killed, and 24-year-old medical student Jan Opletal

was seriously injured and died of his injuries on 11 November 1939. On 17 November the Reich Governor ordered the closure of Czech universities and colleges. Since 1941, this day has been International Students' Day. After the violent police crackdown on participants in the demonstration following the commemoration, the National Security Corps completely lost its credibility.

New political parties and movements were formed in the Czech Republic (Občianské fórum, or Civic Forum, and in Slovakia, Verejnost proti násiliu, or Public Against Violence). After establishing a government of national unity on 10 December 1989, they took control of the democratisation process, including, of course, the complete restructuring of the National Security Council (STIERANKA 2019).

The Košice government programme adopted on 5 April 1945 decided to establish a new national security body. On 17 April 1945, the Czechoslovak government adopted a document entitled *Establishment of National Security*. On this basis, the National Security Corps (Zbor Národnej Bezpečnosti, ZNB) was established to replace the police and gendarmerie. The ZNB was a unified armed security force in the Czechoslovak Socialist Republic. Its fundamental mission was to protect the socialist social and state system, public order, and the safety and property of individuals. The ZNB was a professionally separate organisation headed by the Minister of the Interior of the Czechoslovak Socialist Republic, comprising two basic units. It consisted of the police force (Verejná Bezpečnosť, VB), which was responsible for public safety (public order, traffic policing, criminal investigation), and the secret state security police (Štátna Bezpečnosť, Štb), which was highly controversial even at the time of its creation.

The VB formally performed classic police duties, but it was under the strong influence of the Communist Party of Czechoslovakia. Only citizens with impeccable political credentials could join its ranks (ZEMANDLOVÁ [s. a.]).

The Štb had significant influence within the ZNB. The new political forces saw it as the greatest risk to the democratic transition because of its activities against the domestic political opposition in the former Czechoslovakia.

One of the first and most important decisions in the democratisation process was to suspend the activities of the state security police organisation. The members of the organisation were then unable to perform their duties. The federal minister of the interior issued a decree establishing a so-called civil background check commission (hereinafter: Commission). The members of the Commission spoke personally with each Štb employee. During the interviews, they assessed their previous activities and then decided who from this group could continue their career in the newly formed security and information services.

The Commission conducting the "civilian review" consisted of representatives of the Civic Forum and the Public Against Violence movements, political parties, and former members of the Public Security and National Security Council who had been dismissed after 1968 and were now reactivated. Some believe that the Commission was established prematurely. The randomly selected members did not have sufficient insight into the activities of individual Štb. officers, which meant that the audit was often superficial.

Opinions formed in political circles that no member of the Štb. staff should have been retained. Others were of the opinion that it would be a mistake to dismiss staff

members deemed reliable and suitable by the Commission, because otherwise they would be recruited by other foreign intelligence services.

Every single part of the state security police was finally abolished by an order from the Minister of the Interior Richard Sacher on 1 February 1990, after which new organisations were created. These changes marked the beginning of the transformation and restructuring of the Czechoslovak law enforcement system, as well as the professionalisation and modernisation of the police force.

Between 1990 and 1992, the police operated under a dual structure – federal and republican – based on Act 333/1991. The Prague-based Federal Ministry of the Interior was responsible for federal law enforcement agencies, border guards, immigration control, national security tasks, and counterterrorism. Under the provisions of this law, its tasks were primarily limited to national and international matters.

The police forces of the Czech and Slovak Republics – with the exception of tasks falling within federal jurisdiction – already operated partially independently during this period, coordinated by the federal police. They were responsible for public order and safety, traffic policing and law enforcement within the jurisdiction of the republics.

The initial spark for the creation of the Police of the Czech Republic was the first police law adopted by the Czech National Council on 21 June 1991. Act 283/1991 Sb. officially established the Czech police on 15 July 1991. From November 1989 to July 1991, the highest governing body of the SNB (Sbor Národní Bezpečnosti) was the VB High Command. With the creation of the new organisation, this task was taken over by the Police Directorate General, headed by the Director General. The Director General reported directly to the Minister of the Interior (BRUNOVÁ 2021).

The county and district directorates of the VB were transformed into regional, county and district, city and district directorates under the new structure. The creation of the new law on the PCR was logically accompanied by the legislators' efforts at the time to ensure that its provisions reflected the democratic changes in society. The definition of the police's tasks was very general in nature. For example, it defined the protection of persons and property in general terms, as well as the fight against terrorism. In the years that followed, it was amended several times in line with the needs of changing practices.

The next important milestone was Act 186/1992, adopted on 19 March 1992, which regulated the service conditions of police officers. This law precisely defined the conditions for entering into service, the text of the new oath and the ranks.

After the breakup of Czechoslovakia on 1 January 1993, the federal body was abolished and its powers and duties were taken over by the Police of the Czech Republic (Policie České Republiky, PCR). In addition to the aforementioned classic police tasks, new organisational elements appeared, such as the rapid response police service, the immigration and border police service and the railway police (JANEČEK 2011).

The "formation" of the Police Force of the Slovak Republic after November 1989 began with a series of legal measures in line with the requirements of a democratic state governed by the rule of law. It is impossible to establish and strengthen the legal security of citizens and ensure the protection of their freedoms without guaranteeing the legal and moral authority of a police force operating within the framework of the rule of law.

During the transition period following the Velvet Revolution, significant changes were brought about by Act 74/1990. This act established the text of the oath taken by soldiers and police officers, the name of the army, and new rules relating to the ZNB. Members of the ZNB had to take a new oath. Staff members had one month to decide whether to take the new oath of office. Those who refused to do so had their employment terminated on the day of their refusal. Those who failed to fulfil their oath obligation within the deadline specified in their discretionary power had their employment terminated on the last day of this period.

In the event of a serious obstacle to taking the oath, the member of the staff had one month after the obstacle ceased to exist to take the oath, because otherwise his or her legal relationship would be terminated for reasons attributable to him or her.

Section IV of Chapter III of Act 74/1990 – on the date of its promulgation, 14 March 1990 – also obliged members of the staff to suspend their membership and activities in political parties and political movements.

Although political influence within the body has diminished, depoliticisation has not been fully achieved.

On 1 January 1991, Constitutional Act 556/1990 on the Czechoslovak Federation came into force, amending Constitutional Act 143/1968, Article 27(1) b) of this Act stipulated that, in the area of internal order and security, the Czech and Slovak Republics would regulate the establishment, legal status and powers of armed security forces. This did not affect the right of the Czech Republic and the Slovak Republic to establish their own armed security forces and to regulate their legal status, powers and other conditions independently. Based on this provision of the law, the Presidium of the Slovak National Council established the Police Force of the Slovak Republic (Policajný zbor Slovenskej republiky) in the territory of the Slovak Republic by Decree 57/1991, which had previously been part of the National Security Corps.

By Decree 7, promulgated on 28 January 1991, the Slovak Minister of the Interior established the following with effect from 1 February 1991:

- the district headquarters of the police force
- the Bratislava city headquarters of the police force
- the Košice city headquarters of the police force

On 29 April 1991, Act 204/1991 Coll. on the Police Force of the Slovak Republic was adopted. This repealed Act 40/1974 Coll. on the National Security Corps and Decree 57/1991 of the Presidium of the Slovak National Council. In response to the practical needs of the police, Act 204/1991 Coll. was amended twice. Finally, the National Council of the Slovak Republic adopted Act 171/1993 Coll. on the Police Force of the Independent Slovak State, which still forms the basis for the operation of the Slovak police.

In 1996, the Slovak National Council decided to change the country's territorial and administrative organisation, which was enshrined in law. The police force adapted to the country's new territorial administrative structure. With this in mind, the Ministry of the Interior established eight regional police headquarters and 76 district headquarters under their jurisdiction. According to the Slovak Police Act currently in force, the Presidium of the Police Force of the Slovak Republic stands at the top of the organisational hierarchy.

It has eight regional directorates under its authority, and a further 76 district directorates perform police duties under the eight regional directorates.

Regional directorates were established with the following headquarters: Bratislava, Trnava, Trenčín, Nitra, Žilina, Banská Bystrica, Košice, Prešov.

Slovakia – The first police act created during the democratic transition process

The previous model for the structure of the police force served the interests of the Communist Party of Czechoslovakia in a personal union with the leadership of the Ministry of the Interior. After November 1989, the focus shifted to efficiency and the quality of professional work (HUDEK 1991).

After outdated sections concerning the role of the Communist Party of Czechoslovakia were removed from the police act adopted in 1974, it became necessary to draft a new law because the old one had become inapplicable, regardless of the socio-political changes that had taken place. Act 204/1991 Coll. on the Police Force of the Slovak Republic, drafted during the democratic transition process and adopted in 1991, established the legal conditions for the existence and activities of the police.

Members of the professional body working on the “modernisation” of the police spent about a year and a half studying the organisation, structure and operation of the police forces of several democratic countries. No model was available that could have been adapted to the Slovak system in terms of organisational structure, management and regulations governing its operation. However, the experience gained in this way provided a valuable basis for the establishment of the new police organisation and the drafting of the police law that was in preparation (LASTOVKA 1991).

The new law was of particular importance in police practice. Compliance with the principles contained therein was a general obligation of police officers in the performance of each and every duty. It was in line with the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950 (hereinafter: the Convention), which was incorporated into Slovak law by Constitutional Act 23/1991 Coll. Based on this, it was the duty of the police to respect and protect the honor, authority and dignity of the persons affected by their activities (ŠELIGA 1991).

Its adoption was a significant step on the part of Slovak legislation, as the country was in the process of drafting a constitution at the time.

The new law on the police abandoned the proclamation of ideological postulates and their transformation into political and legal principles in police activities.

It put an end to the unified operation of the ZNB (LASTOVKA 1991) and the principle of political and organisational unity of the police, including management relations and jurisdiction (SOBIHARD 1991).

In the past, the principle of unity of the ZNB served to consolidate its centralisation and support the concentration of political power. This principle also made it possible to subordinate the VB organisation to the state security service, the Štb., but even after the federalisation of the state, it allowed the division of powers to be ignored (LASTOVKA 1991).

The Štb. enjoyed an advantage over the VB and occasionally performed its tasks (SOBIHARD 1991). It unacceptably obscured the question of responsibility for the consequences of the activities carried out by certain organs of the ZNB (LASTOVKA 1991).

Already in 1990, Act 384/1990 Coll. on the internal order and security of the Czech and Slovak Federal Republic brought about a significant change. This abolished the dual system of governance, and on 1 January 1991, the Ministry of the Interior of the Slovak Republic became a fully-fledged, independent governing body. The new legislation was complex in terms of the tasks and powers of the police, based on the principles of serving citizens on the one hand and strengthening their legal security on the other. It clearly regulated the relationship between the police and citizens, which is irreplaceable in terms of mutual trust. It created the rational conditions for the organisational structure and a two-tier management system. It established criminal, traffic, public order and property protection services. After that, only the law could provide for the creation of additional services (SOBIHARD 1991).

The Police Force came under the control of the Ministry of the Interior. Its chief executive was the President of the Police Force. A new element in the law compared to previous legislation was the power of inspection, which was granted to the government and the Slovak National Council (FILKO 1991).

After the new law entered into force, the police could only perform their duties in accordance with the rules laid down in the constitution and the law. During the preparation of the law, proposals were made that would have given the police the power to interfere with the rights of citizens on the basis of the provisions of “other legal regulations”. However, the legislature decided that, in accordance with the requirements of the rule of law, this could only be done on the basis of authorisation granted by law (FILKO 1991).

Citizens had countless negative memories of the Štb. from the period before the change of regime. It was therefore understandable that the new legal framework focused on regulating the use of technical devices in criminal investigations, the use of coercive measures by the police, and restrictions on personal freedom.

Act 40/1974 Coll. did not contain rules governing the procedure for operational activities. These were only included in lower-level internal normative rules. Criminal operational investigation is the most sensitive police intervention in citizens’ freedoms, so defining the democratic legal framework for operational investigation was one of the key steps in the democratic transition. This was particularly important in a society that was just emerging from the trauma of state security surveillance. After the change of regime, one of the biggest challenges was for law enforcement agencies to distance themselves from the former state security practices.

However, in order to combat crime effectively, the criminal police needed and still need appropriate legal authorisation to use operational tools and methods. The law provides an exhaustive list of the tools that may be used in operational investigations. These are as follows: surveillance of persons and objects, use of cover IDs, traps and security technology, and persons acting on behalf of the criminal investigation department. It also listed the information technology tools that can be used. These are primarily electrical, radio, optical, mechanical and other technical tools and equipment that are used in a certified manner to open, search and inspect shipments, as well as to intercept and record

telecommunications and radio communications, and to make video, audio and other recordings. The listed operational reconnaissance activities and information technology tools were no longer classified as strictly confidential. All citizens could learn about them from the text of the law and also learn about the conditions for their use by the police. Their use was guaranteed by law through judicial and prosecutorial oversight.

Their regulation increased society's trust in the police and ensured that the police conducted investigations on a professional rather than a political basis. This laid the foundations for professional police work and the protection of civil rights (MIKULEC 1991b).

The drafters of the law described the rules governing the use of coercive measures prior to 1990 as a vaguely regulated construct. Their use, similar to the rules governing criminal investigations, was also only summarised in lower-level internal regulations. The act that came into force under number 204/1991 listed the specific coercive measures that could be used by police officers. It ruled out the possibility of introducing new means by means of legislation. It precisely defined the conditions for the use of each coercive measure and stipulated that the decision on their use in each specific situation should be made by the police officer, taking into account the circumstances.

According to this, the following persons were subject to official proceedings:

- directly endangered their own life or health, or the life, health, or property of others through their actions
- were suspected of committing a foreign exchange crime and there were reasonable grounds to believe that they would continue their actions, or if it was necessary for the investigation and clarification of the case

The law stipulated that the police officers were obliged to ensure that the close relatives of persons subject to coercive measures were notified immediately after their arrest. The police officer's duty was only to ensure that the law was enforced, not to enforce it. Exceptions to this rule were made in cases where the person whose personal freedom was restricted was a soldier or a person under the age of 18. In the former case, the police officer notified the nearest military administrative authority, while in the latter case, the legal representative of the person under the age of 18 was notified. The law significantly shortened the time allowed for performing certain procedural acts in relation to the person brought in. In accordance with the international obligations of the Czech and Slovak Federal Republic and the Convention, this period was reduced from 48 hours to 24 hours and could not be exceeded under any circumstances, even if all necessary measures had not been completed within that time. The person brought in had to be released immediately within 24 hours if the measures concerning him or her had been completed, or if no criminal proceedings had been initiated against him or her and he or she had not been handed over to the investigating authority (SELIGA 1991).

The law supplemented the range of applicable measures with new coercive measures. Legislators justified the regulation of the use of kicks and punches by arguing that the police forces of all developed countries use them as effective means of repelling attacks, and created the conditions for the use of other coercive measures. The law did not contain detailed rules, leaving it up to the police officer to decide which self-defence techniques to

use from the field of combat sports and martial arts. However, it did expect a proportionate response when repelling an attack (MIKULEC 1991a).

It established the intervention as an obligation outside of duty hours and the measures specified in the law in cases where human life, health or property were in immediate danger.

The law restricted the possibility of identity checks to the investigation and documentation of offenses or crimes and the search for missing persons or objects. It ruled out the previous practice of requiring citizens to prove their right to be at railway or bus stations or in public places. Identity cards were primarily used for identification purposes, but other official ID cards, passports, military ID cards, and parliamentary ID cards were also accepted.

In the event of failure to establish identity, the law allowed the police to detain the person. The maximum duration of detention could not exceed 24 hours (ŠELIGA 1991).

A new element has appeared in the form of equestrian service, the gradual introduction of which was proposed by those involved in drafting the law. At the same time, the law defined it as a possible coercive measure that could be used against those who violated the rules of assembly. Dispersing crowds with horses was considered a more humane method than the previous use of motor vehicles for this purpose.

Technical devices were introduced to prevent vehicles from driving away or leaving, and the law regulated the use of a device known in traffic police jargon as a “slipper” and a stopping strip (in Hungarian technical terminology known as a “roadblock”). The former allowed police officers to lock or block the wheels of illegally parked vehicles. This prevented it leaving the parking space, while the latter prevented it from moving by damaging its wheels. The law also provided for the possibility of setting up additional roadblocks for this purpose.

Explosives that emit sound and light effects, which can be used to apprehend dangerous criminals, have been regulated as a new coercive device.

The most serious interference with citizens’ rights and freedoms was the use of firearms. As this poses a direct threat to human life and health, the law has strictly defined the cases in which weapons may be used. Legislators justified the creation of rules governing the right of police officers to use firearms by pointing to the increasing brutality of criminals and the growing number of illegally held weapons (MIKULEC 1991a).

The new law provided a precise interpretation of police activities by defining the concepts of official intervention and official measures, and stipulated that police officers must identify themselves as such before taking action. Police officers had not previously been subject to this obligation (ŠELIGA 1991).

The entire law was permeated by the principle of proportionality, which ensured that police officers would only interfere with the rights and freedoms of citizens in a targeted and reasonable manner.

This law on the police was drafted during the preparation of the new Slovak constitution. From the perspective of guaranteeing the enforcement of citizens’ rights and freedoms and protecting them against violations of the law, Act 23/1991, which enshrines the protection of citizens by the Constitutional Court, was of particular importance. Citizens also had or have the opportunity to appeal to the Constitutional Court or, in the case

of a disputed court decision, to the European Court of Human Rights or the European Commission of Human Rights.

Summary

The establishment of the Slovak police force is closely linked to the political transformation of Czechoslovakia, which led to the peaceful dissolution of the state at the end of 1992. The starting point for this was the events in Prague in November 1989. The entire state administration was transformed, which also meant a profound transformation of the law enforcement agencies, gradually affecting the joint law enforcement agencies as well.

Between 1990 and 1992, the police operated within a dual structure – federal and republican. The two republics sought increasing autonomy, which necessitated the decentralisation of the police force, which had previously operated within a federal framework. In the case of Slovakia, this did not merely mean the adoption and continuation of the former Czechoslovak institutional structures and was not merely administrative in nature, but involved the creation of the organisational and legal conditions for a new institutional system operating within a democratic rule of law, which resulted in a profound structural and functional transformation.

After the Velvet Revolution, a dynamic process of transformation began with the aim of creating a democratic police force, involving the suspension of the activities of the Štb., which was part of the ZNB, and the dismissal of several members of its staff. The ZNB staff were required by law to take a new oath and to suspend their membership in political parties and organisations. Refusal or failure to take the oath resulted in termination of employment.

Following legislative changes, both republics were given the opportunity to establish independent armed security forces. Based on this authorisation, the National Council of the Slovak Republic established the Police Force of the Slovak Republic from the VB organisation, which was part of the National Security Corps.

During the transition period, the provisions of Act 204/1991 Coll. on the police, which came into force during the existence of the federal state, already pointed towards the independence of the Slovak police. It created a modern police model based on democratic principles, which moved away from the previous centralised, state security-oriented structure. It promoted the professionalisation of the police and brought it closer to Western standards. It established its organisational structure and defined its central and regional bodies. It defined its tasks as the protection of public order and public safety, law enforcement, border control and traffic safety supervision.

The new law established a clear and unambiguous set of rules governing the use of technical devices in criminal investigations, the use of coercive measures by the police, and the restriction of personal freedom, and created a legal framework for their control.

Making the operation of the legally regulated police force, which is under the control of the Minister of the Interior, more transparent was an important element of the democratic transition.

The law established the legal basis for the Slovak police even before the split, so that in 1993 it was not necessary to build the new police organisation from scratch. It was able to begin operating with a well-defined remit and a modernised structure.

The creation of its own police force contributed both symbolically and practically to the consolidation of Slovak statehood, becoming one of Slovakia's first fully independent institutions.

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- 204/1991 Zb. o Policajnom Zbore Slovenskej Republiky [204/1991 Coll. on the Police Corps of the Slovak Republic]
- Zákon č. 74/1990 – ktorým sa ustanovuje nové znenie vojenskej prísahy a služobnej prísahy príslušníkov Zboru národnej bezpečnosti a Zborov nápravnej výchovy, upravuje názov československej armády, upravuje riadna dovolenka vojakov v základnej službe a ktorým sa mení zákon č. 40/1974 Zb. o Zbore národnej bezpečnosti [Act 74/1990 – establishing a new wording of the military oath and service oath of members of the National Security Corps and the Correctional Education Corps, amending the name of the Czechoslovak Army, amending the regular leave of soldiers in basic service and amending Act 40/1974 Coll. on the National Security Corps]
- Zákon č. 333/1991 – Zákon o Federálnom Policajnom Zbore a Zbore Hradnej Polície [Act 333/1991 on the Federal Police Corps and the Castle Police Corps]
- Zákon č. 186/1992 – Zákon České národní rady o služebním poměru příslušníků Policie České republiky [Act 186/1992 of the Czech National Council on the service relationship of members of the Police of the Czech Republic]