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New Scholarly Reflections on Slovak Media Law: Media System of the Slovak Republic in the Light of Law by Jaroslav Chovanec

CHOVANEC, J.: Mediálny systém Slovenskej republiky vo svetle práva (Základné otázky mediálneho práva SR). Bratislava: Procom, 2015. 206 p. ISBN 978-80-85717-31-0.

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In 2015, Dr. h. c. Prof. JUDr. Jaroslav Chovanec, CSc., a member of the Department of Law and Humanities at the Faculty of Mass Media Communication at the University of SS Cyril and Methodius in Trnava, published his latest monograph titled **Media System of the Slovak Republic in the Light of Law (Fundamental Issues of Slovak Media Law)**. The publication was approved by the Editorial Board and Scientific Council of the Faculty of Mass Media Communication together with the Editorial Board and Scientific Council of the University of SS. Cyril and Methodius in Trnava. The range of the discussed issues proves that the monograph in question is primarily meant to broaden the existing body of knowledge on Slovak media law and revise some of the older concepts. However, it can be also used as a lecturing material at the Faculty of Mass Media Communication UCM (mainly to study the academic subject “Media Law”) as well as at other faculties where Media Law in the Slovak Republic is lectured. Its content is also addressed to journalists working both in the print and electronic media and finally it may appeal to public servants working in state administration and other local administrative units, together with the general public. From the viewpoint of structure, the monograph consists of introduction, ten chapters and conclusion (here called **Instead of Conclusion**).

The first chapter characterises basic terminology related to the topic. The author points out activities taken by the media and journalists within mass media communication in relation to the public sphere in Slovakia. Simultaneously, he also exposes their unfair practices, including violation of human and civil rights and freedoms. He places emphasis on the critical observance of Mass Media Law and Ethical Code of Journalists. In conclusion of the chapter, the author states that despite certain deficiencies which appear in media activities, Mass Media Law regulates in a sufficient way the system of media in Slovakia and provides on the one hand adequate space for successful and democratic operation of the media, together with the protection of human and civil rights and freedoms of our citizens and the protection of their privacy and personality; on the other hand it also grants enough space for the protection and independence of the media and journalists.

Second chapter is divided into two parts. The first one deals with the establishment of the media and their development in Czechoslovakia and Slovakia until November 1989 and the second one describes the so-called ‘Velvet Revolution’ and the transformation of the media into the ‘dual media system’. In the first part the author analyses the emergence of media, including Czechoslovak Radio and its founding on 18th May 1923. The author also points out that in 1939, with the establishment of the Slovak State, both the Czechoslovak Republic and the Czechoslovak Radio ceased to exist, while the radio company Slovak Radio was established in Slovakia. The author mentions that the outburst of the Slovak National Uprising led to the establishment of a free transmitter in Banská Bystrica on 30th August 1944, which was later destroyed by the German occupy-

ing forces. The attention should be drawn to the fact that after the communist 'Victorious February of 1948', the integration of the Slovak Radio and the Czech Radio into Czechoslovak Radio took place on 28th April 1948 and it was nationalised, i.e. now owned by the state. However, the Slovak Radio gained an autonomous status, whereas the Slovak Radio operated in this way until the establishment of the Czechoslovak Federation on 1st January 1969. Due to the establishment of the Czechoslovak Federation, the Slovak Radio and the Czech Radio began to operate relatively independently, under the supervision of the Czechoslovak Radio, until the 'Velvet Revolution' in November 1989. In this context it is worth mentioning that after the occupation of the Czechoslovak Republic by the 'Warsaw Pact' troops in August 1968, the so-called normalisation in the society in 1969 and 1970 started, negatively affecting activities of the Czechoslovak Radio which actually became an ideological tool until the 'Velvet Revolution' in November 1989 changed the given state of matters.

The first section of the second chapter also analyses the emergence and development of the Czechoslovak Television and the Slovak Television. The Czechoslovak Television was constituted as a separate entity on 1st October 1959. The position of the Czechoslovak Television was regulated by the Law No. 18/1964 Coll. The internal structure of the Czechoslovak Television was regulated by its Statute. Since 1969 there existed the Slovak Television as a separate organisational unit of the Czechoslovak Television, ruled by the director, who was also the deputy of the central director of the Czechoslovak Television. In May 1973 the Czechoslovak Television started regular broadcasting in colour on the second programme and at the end of the year also on the first programme. In the years 1969-1970 there started the process of 'normalisation' both in the Czechoslovak and Slovak Television, as a result of the invasion of the armies of the 'Warsaw Pact' in August 1968, when many editors and media professionals were forced to leave, suffering from the violation of their work, civil rights and liberties. The Czechoslovak Television and the Slovak Television operated in this way until the 'Velvet Revolution' in November 1989. The establishment of the independent Slovak Republic (on 1st January 1993) led to the origins of the independent public broadcasting service – the Slovak Television. In this period its position was regulated by the Law of the National Council No. 254/1991 Coll. on Slovak Television that was later amended by the Law No. 482/1992 Coll. and Law No. 166/1993 Coll.

The author also evaluates the 'Velvet Revolution' and the transformation of the media into 'a dual system' in Slovakia after 'November 1989' and its consequences on the Communist Party of Czechoslovakia, which lost its leading position. In this context he states that under pressure of democratic civil and political powers execution of major changes in political, state and economic lives of the citizens of the Czech and Slovak Federative Republic occurred. Simultaneously, he points out the fact that it came to the change of the state and its ideological direction, which started to be built on new principles, thus on the principles of political and economic pluralism. It also meant that executed changes led to creation of a pluralist democratic system, together with the creation of market economy while respecting social and ecological aspects. It also sparked off re-elaborating of the overall legal system in the state. The 'Velvet Revolution' fulfilled all assumptions and conditions for transformation of the media into 'a dual media system', consisting of public service media (established by law) and commercial (private) media, i.e. broadcasting regulated by licenses. Newly created legislation changed the status of the citizens and their fundamental human and civil rights and freedoms (including political rights such as freedom of expression and right to free access to information, together with the ban on censorship). The author pays special attention to the Law No. 308/2000 Coll. on Broadcasting and Retransmission and Amendment of the Law No. 195/2000 Coll. on Telecommunications and also to the Law No. 532/2010 Coll. on Radio and Television of Slovakia, which united two existing legal entities, namely the Slovak Radio and the Slovak Television into one subject. The author further points out new functioning of public-service media, which results from the quoted Law No. 532/2010 Coll. In conclusion of the chapter the author states that despite existing deficiencies and shortcomings in operation and funding of media system in the Slovak Republic, this system is vital and eligible to improve its activities and functioning while building democratic society and a legally consistent state in Slovakia.

Third chapter involves assessment of contemporary legal regulations of media system in Slovakia, in which the legislator – the National Council of the Slovak Republic – regulates the origin, status, scope of powers and activities of public-service media and commercial media and their control bodies. The author points

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out the positives and critically evaluates the negatives existing namely in legal regulations and in functioning and operation of media system in Slovakia. At the same time, he emphasises the necessity of implementing complexity and competencies in social-political practice of media. With special accent, he poses a requirement to use the state language, i.e. the Slovak language correctly in the whole media system in Slovakia, namely due to the current lack of linguistic culture that manifests itself in various media products. He also critically focuses on the incompetence of all previous Slovak governments for not to be able to prepare and make the National Council of the Slovak Republic pass a new and democratic Press Law until 9th April 2008 when this legal document was finally approved while replacing the old one, which had been in power since 1966 in amended versions. In the chapter he also points out the fact that what is not presented in media, does not exist in the minds of citizens. In conclusion of the chapter he states that despite several deficiencies in the valid legal regulations of the media system in Slovakia, it is absolutely necessary to respect the existing laws. In this context he emphasises the importance of improving legal regulations of the media system as media are creators of public opinion, holders and promoters of culture, thus co-creators of cultural and national identities of the Slovak nation and all minorities living in Slovakia. Apart from the above-mentioned cases, the media system in Slovakia is vital and functioning, able to fulfil educational, cultural, entertaining and especially informational roles in relation to our citizens.

Fourth chapter evaluates assumptions and conditions of the origin of the new Press Law and also the process of its approving in the National Council of the Slovak Republic. The author points out the structure and content of institutes such as the right to response, rights to protection of information sources, right to correction and right to additional notice. He places emphasis on the fact that the new Press Law is based on the principles and philosophy of existing press laws in several membership countries of the EU and is fully compatible with them. He also argues that the new Press Law has a positive impact on media system in Slovakia, not only from the viewpoint of protection of human and civil rights and freedoms, but also regarding the principles and values of a legally consistent state and further development of democracy in the Slovak Republic as such. There is also underlined the fact that the new Press Law has been successfully implemented in social-political and legal practices and it has created suitable conditions for operation of media and work of journalists in Slovakia.

Fifth chapter critically analyses contemporary state of the politics, implementation and functioning of the print and electronic public-service and commercial media in socio-political practice of Slovakia. The author employs adequate criticism in order to react to the existence of some legislative insufficiencies related to (mostly digital) media and media communication as such. He demands legal regulations of mass media communication and the Internet, while underlining that mass media communication is an important factor in building civil society and a democratic, legally consistent state in Slovakia.

Sixth chapter involves an assessment of constitutional and legal regulations of these political, social and legal institutes as significant phenomena of democracy. Special emphasis is put on their implementation in constitutional and socio-political practice. However, these institutes (freedom of expression, free access to information and protection of privacy) are examined not only from the constitutional and socio-political viewpoints, but also from the point of view of their implementation in media.

Seventh chapter characterises the position and scope of powers of the Technical Committee at the Council for Broadcasting and Retransmission, the Slovak Television Council, the Press Council and the Slovak Advertising Standards Council. The author analyses these bodies of media control and regulation from the viewpoint of their status, scope of activity and tasks, as well as their structure and incumbent period. At the same time, he defines and explains some of the basic terms closely connected to the above-mentioned topics. He also specifies the broadcasters, editors and press agencies that are subjects to the authorisation of media control bodies in Slovakia and their competency to carry out this control. The author claims that legal regulation of media control bodies is applied in social and legal practices and enables them to implement their tasks and aims, defining them as independent and unbiased bodies following on the one side service to the public – the citizens, and on the other side protection of journalists and thus it creates optimal conditions for implementation and development of mutual communication between the media and the general public.

Eighth chapter includes evaluation of democracy and its characteristic features and forms (direct: referendum, plebiscite, meetings of citizens belonging to a certain community, electoral vote, elections, initiative of citizens; indirect: representative forms) and its implementation under valid constitutional law rules in practice. The author also mentions participation of citizens in the state power and in administration of public affairs, while emphasising the role and importance of political parties and criticising corruption, clientelism, the lack of political and legal cultures and other weaknesses of democracy. The tasks of media are fulfilled in the process of implementation of democracy; media are supposed to defend the right of citizens to be informed and thus function as 'watch dogs' of democracy. In this context, the author mentions negative phenomena such as mediocracy and information manipulation. He also points out that we live in the times of ongoing globalisation and global financial and economic crisis, which is accompanied by moral and ethical decadence that is further negatively reflected in our understanding of human rights, freedoms and democracy in general and in the functioning of the legally consistent state – the Slovak Republic.

Ninth chapter analyses fundamental theoretical and practical issues of media responsibility from philosophical and legal viewpoints. It is based on the outcomes of the 'Velvet Revolution' in 1989 that created necessary preconditions for the fall of the communist government together with the transformation of the Slovak society, including the transformation of the media system. The author also points out that after the establishment of the independent Slovak Republic (1st January 1993) a new media (dual) system and media space were built, in which an important emphasis is put on their development on the basis of new, democratic principles and on responsibility of media for their activities. The author also uses available foreign and domestic bibliography and legal regulations, i.e. the laws passed by the Slovak National Council, which deal with the media system in Slovakia and also determine responsibility of media. In conclusion of the chapter the author states that responsibility of media for their activities helps to accomplish all functions of the media system, together with developing a democratic civil society and a legally consistent state in the Slovak Republic.

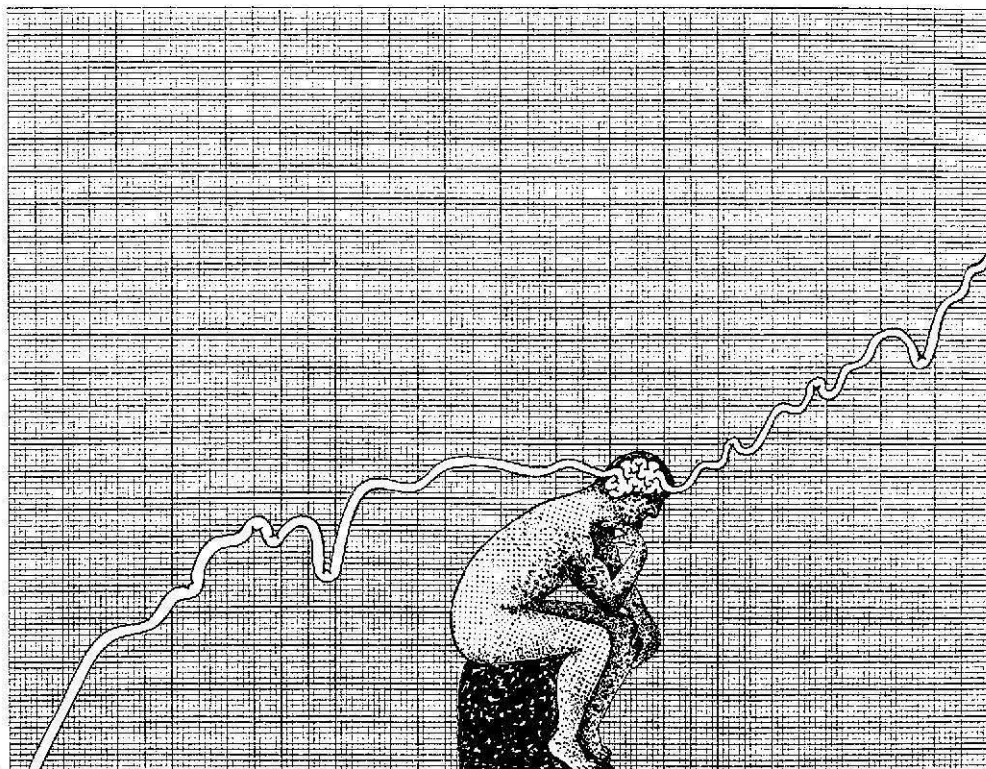
Tenth chapter characterises the concept of a legally consistent state, its democratic principles in the light of the valid Constitution of the Slovak Republic and their implementations in practice. The core of the elaborated topic consists of the analysis and assessment of interaction between media and law, together with the implementation of media communication. Here, the author points out that media and media communication significantly influence the social life, culture, coexistence of individuals – citizens and politicians, while emphasising that every state power needs to address the key issue of free access of citizens to information, together with implementation of freedom of expression and right to privacy. These cardinal issues must also be solved in the Slovak Republic by legal regulations at a high level, in the spirit of our legal system, together with the intentions of international documents passed by the European Union. This task is further redoubled in the digital society, thus in the conditions of new media, media technologies and the Internet. Both media and political parties in Slovakia often disseminate the so-called impersonal and important news by social networks, whereas they reduce critical thinking and understanding of information, which brings considerable risks for the development of civil society and democratic legally consistent state. Furthermore, the author points out that in the times of financial and economic crisis, together with the crisis of values and morals, media often help to radicalise disciplinary function of the state policy and law. In order to avoid these risks in the society, the interaction between law and media should play a positive role, together with high standard of legal regulations established by the state administration. In conclusion of the chapter the author stresses out the fact that only high standard of legal regulations of media and media communication can significantly help in the cultivation and education to conscious and correct legal awareness of our citizens, including politicians, media entrepreneurs, journalists and other media professionals.

As stated in the closing chapter the author summarises the issues addressed in individual chapters while proposing several recommendations to improve the functioning of media and protection of citi-

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zens together with journalists. Besides, the author discusses three publications relevant to the elaborated monograph: **Essentials of Mass Media Law** (textbook), **Freedom of Expression and Freedom after Expression and Legal Protection of Personality**.

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