

Scientific Bulletin of Chelm
Section of Pedagogy
No. 1/2020

CITIZEN AS A RECIPIENT AND PARTICIPANT IN SOCIAL SERVICES IN MUNICIPAL SELF-GOVERNMENT

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ABSTRACT: *Municipal self-government as a territorial administrative unit responds in the provision of social services, mainly to the needs and possibilities of its inhabitants. However, it must perceive indicators that correspond to the individual needs and possibilities of the citizen, his opportunities to participate and his willingness to participate in their implementation.*

KEY WORDS: *citizen, municipal self – government, social services, citizens, needs*

INTRODUCTION

Municipal self-government has powers and competencies that lead, in a sense, to a generalization of needs, but only within its own territory.

Social services are also such an area, because, although there is a legislative definition of their provision, they are an area that municipalities have the opportunity to match the needs of the population (Aftyka, 2019).

We used the resources we use in processing the topic from available sources, laws and analyzes, which are published by the Association of Towns and Municipalities of Slovakia (ZMOS), as the largest non-governmental organization, and which brings together and represents cities, municipalities and districts of Košice and Bratislava, while following the goal of building and strengthening the position of local governments.

The motivation for us was to get to know the problems and unfavorable situations of citizens who expect, on the basis of the principle of solidarity and subsidiarity, the help and intervention of society, at the local level, i.e. from municipalities.

INTERSECTIONS OF LEGAL REGULATIONS IN THE FIELD OF SOCIAL SERVICES AND MUNICIPAL SELF-GOVERNMENT

The transformation of public administration has raised a number of questions and challenges in various areas of its development. The concretization in the area of municipal self-government is to define areas and tools of development. After the transformation, we found ourselves on the threshold of mapping the needs and opportunities that contribute to the formulation of goals. Through these, it is possible to build a modern society, but currently the individual municipalities are confronted with a number of economic and competence issues, in terms of the needs of the inhabitants of local governments.

According to Neubauerová, Dubroviny (Public administration in the Slovak Republic - current problems - online) self-government is a certain unit that manages itself, or manages certain requirements, on the basis of the law, with the aim of higher and direct efficiency to ensure the needs of the population in a given territory or locality, respectively locations. The matters in question have a public character, that is to say, they are public matters concerning the social life

of each individual. Unlike the state administration, which administers public affairs through relations of superiority and subordination, in the system of self-government this is a dual dimension. The authors also deal with the hierarchical arrangement of territorial self-governments, in terms of solitudes, settlements, villages, parishes, municipalities, cities and the like. The formation of settlement units is characterized by stimulus from below, in contrast to regional units arising from stimulus from above, i.e. the ruling levels, while they followed ethnic, historical, cultural, political and other goals. In this sense, we accept territorial self-government in our conditions as a territorial unit, which arose naturally, in the sense of cities and municipalities, where a certain number of inhabitants are concentrated in a certain territory. These are towns and villages.

With the principle of decentralization, in the context of transferred competencies, according to the team of authors, in the publication *Performance and Financing of Transferred Competences* (2019) no changes took place that cause problems even in the current period, namely in the settlement structure. The authors mention areas such as registries and housing, where only a selected group of municipalities was included. Other areas are problematic. Thus, there is the thesis, which deals with the issue of real decentralization, when the performance is transferred to another entity or body, but in principle the state stays responsible, competently. In this context, there are two ways of approaches, where in the first place competence is understood and explained as any activity of a municipal body, and the second direction tends to be based on the essence of perceiving competence as a set of activities, with partial tasks that do not independently represent special significance. The areas in which the competences have been transferred and the publication deals with them in terms of legal, statutory guidelines, financing and the like are: education department, building regulations section, local and special-purpose roads section, special building office for local and special-purpose roads, housing section, the registries section, the residence reporting and population register section, the elections and referendum section, the environment area and the social services section.

These areas of transfer of competencies correspond to the needs and functioning of the population. For us, the area of social services is authoritative, due to the quality of life and the possibilities of municipal self-government, which, however, may also meet the limits in the legal guidelines. Especially if social services are aimed at meeting the needs of the population

in unfavorable situations, they are evaluated individually in terms of the concept of the sciences that deal with them and also require an individual approach, which can bring considerable problems to municipalities. (Lachytová, 2018).

However, it is important that the legal regulation on municipal establishment has several common parameters, in the theoretical - principle meaning with Act No. 448/2008 on social services.

The legal guideline on general establishment is Act no. 369/1990 Coll. on general establishment. In connection with the above mentioned, we state §1 par. 2 of the Act: *"The basic role of the municipality in the performance of self-government is to take care of the all-round development of its territory and the needs of its inhabitants."* Furthermore, for the needs of our topic, we present paragraph 3: *"A municipality has the right to associate with other municipalities in order to achieve mutual benefit."*

Based on the above, it is important to note the close connection with the mapping of the needs of the inhabitants of municipal self-government, and thus implement activities or activities in various areas, which aim to create conditions for residents through which the quality of their social functioning will be fulfilled.

As for the inhabitants of the village Act no. 369/1990 Coll. characterizes as follows according to §3: *"(1) The inhabitant of a municipality is a person who has a permanent residence in the territory of the municipality. (2) The inhabitant of the municipality participates in the self-government of the municipality. In particular, he has the right to a) elect the municipal self-government bodies and be elected to the municipal body, b) vote on important issues of life and development of the municipality (local referendum), c) participate in meetings of municipal residents and express their views and attend meetings d) to address their suggestions and complaints to the municipal authorities, e) to use in the usual way municipal facilities and other property of the municipality used for public purposes, f) to demand cooperation in the protection of their person and family and their property located in the municipality, (g) request assistance in times of sudden emergency. "*

From this point of view, the principles of development of municipal self-government are set in a humanitarian sense, i.e. the basis is to satisfy the needs and possibilities of cooperation of the citizen himself and to create such

conditions that are in line with the perception of the citizen himself. The law also lists the obligations of the citizen, which correspond to a certain participation of individuality in the development of municipal self-government.

The citizen has created conditions for the presentation of incentives for the development of the municipality, but his cognition of needs depends on the degree of his own contribution and motivational factor. (Lachytová, 2020).

On such a basis, we can conclude that a resident of a municipality who in a way participates in creating conditions that take into account their own needs and present their own attitudes, according to the Social Services Act may become a recipient of social services, or the family as a group may become at some point dependent on social service.

The common denominator of negative social situations is the inability of a person to respond to them, to actively solve them, to adapt to changed living conditions. There is a system of social assistance, which is developed as a theory and practice on a national scale, but also on a global scale. Social services are aimed at helping everyone, whether individuals, families, groups, communities, but also society as a whole in coping with life situations in the context of the bio-psycho-social nature of a human, i.e. in the conditions of municipal self-government as an active recipient of social services. (Lachytová, 2020).

Imrovič (2019, p. 75) also speaks about the need for inhabitant, citizen participation as a key element and personnel basis of municipal policy. The inhabitant of the local self-government, in comparison with the relation to the state, has the presumption to actively respond to the needs and interests of the citizens of a particular municipal self-government. In terms of participation, the local government is an ideal space for its inhabitants. He presents his decision-making in the regular election of bodies, which ensures responsibility at the municipal level towards the population. The inhabitant of the local self-government has in his hands tools with which, by activating within the framework of communal policy, he can fulfill the needs and also realize them, whether we perceive the needs of the individual, group or community. There is thus an interdependence between self-government and the population. By exercising the right to delegate authority to a representative, the citizen can thus continue to show active participation in solving problems, establishing opportunities for change in self-government. The classification of opportunities

for citizen participation can be divided into four levels. The first one corresponds to access to information, the second one concerns the disclosure of information, i.e. active information, the third one deals with a serious assessment of the condition, the fourth one accepts the sharing of decision-making power. The most important forms of participation are therefore: public decision-making, public debate, public hearing, public meeting and consultation. *"Participation helps to present the potential of individual citizens, as well as other stakeholders in the form of specific attitudes, interests, opinions, or specific activities through which a change can be achieved or the problem can be solved."*

From the cited Act on Municipal Establishment, we further rely on §4 self-government of the municipality para. 3, which lists the performances of self-government, from which we select: *"a) performs acts related to the proper management of movable and immovable property of the municipality and state-owned property left to the municipality for use, d) directs economic activity in the municipality, if so provided by a special regulation, issues consent, binding opinion, opinion or statement on business and other activities of legal entities and natural persons and the location of operations in the municipality, issues binding opinions on investment activities in the municipality, e) creates an effective control system and creates appropriate organizational, financial, personnel and material conditions for its independent performance, h) creates and protects healthy conditions and a healthy way of life and work of the inhabitants of the municipality, protects the environment, as well as creates conditions for health care, education, culture, awareness, hobby artistic activity, physical culture and sport, k) performs its own investment activity and business activity in order to ensure the needs of the inhabitants of the municipality and the development of the municipality, l) establishes, founds, abolishes and checks according to special regulations its budgetary and contributory organizations, other legal entities and facilities, p) performs tasks in the field of social assistance to the extent of special regulation. "*

This selected legal guideline is essential if we perceive the development of municipal self-government in cooperation with the citizen, as a living, creative unit, while the targeting of its needs depends, we also take into account demographic data, the provision of social care.

According to the Concept of Urban Development of the Slovak Republic until 2030, local governments have at their disposal the use of several tools. These are legislative instruments that municipalities issue in the form of generally binding regulations, but they must correspond to higher legislative guidelines and must not be in conflict with legal regulations. Furthermore, the concept draws attention to administrative tools, through which it ensures and directs economic activities and the use of local resources. These are an important factor in the provision of social services. Economic instruments respond to the finances and assets of the municipality. We also see a penetration in connection with social services, their fulfillment in the conditions of municipal self-government. Information and communication tools are important in terms of conditioning the effectiveness of the use of other tools. The concept here includes information centers, counseling centers, municipal marketing, building information systems, public relations, e-government. We consider these tools to be a broad-spectrum system in all areas of self-government development, but the aim of their use is to achieve set goals and improve the quality of life of the population, while also social services with their impact on the quality of human life are part of it.

With the introduction of the law, in terms of the competencies of municipal self-government and the provision of social services, it is essential to provide statistical data that specify the number of municipalities in the Slovak Republic. The following chart shows the number of municipalities in individual regions, but in summary, in terms of naming, they are also urban agglomerations and municipalities in terms of rural municipalities.

Chart 1 Number of municipalities in particular regions of The Slovak Republic

Region	Number of municipalities	% share
Bratislavský	89	3,0%
Trnavský	251	8,6%
Trenčiansky	276	9,4%
Žilinský	315	10,8%
Nitriansky	354	12,1%
Banskobystrický	516	17,6%
Košický	461	15,7%

Region	Number of municipalities	% share
Prešovský	665	22,7%

Source: own processing according to www.sodbtn.sk

The Internet portal of the Municipality of the Slovak Republic, based on selected statistics, lists the total number of municipalities, including rural municipalities of Bratislava and Košice, as well as cities 2927. The total number of cities is 141 and rural municipalities are 2749, which also includes 3 military districts. If we also take into account the diverse number of inhabitants and the related territorial distribution of individual municipalities, it is clear that even within social services it is not possible to provide flat-rate social assistance. As an example we mention the village Smižany, with a population of 8698, which is the largest municipality of the 50 largest rural municipalities, according to the population from 2017 and in this group is the village Podbrezová with a population of 3882, which is in the fiftieth place. The smallest municipalities are statistically listed, where the first place is the military district Valaškovce, with a population of 0, the second place of the smallest rural municipalities is the village Príkra with a population of 7 and the fiftieth place is the village Kováčová with 58 inhabitants, but in the chart on Internet portal of the Municipality of the Slovak Republic, Miroľa and Kožuchovce are listed with an identical number of inhabitants of the municipality.

Given the selected statistics, it is clear that the diversity of municipalities in terms of population, and therefore the development and fulfillment of needs, is directly proportional to the diversity in the provision of social services, in terms of type, form and combination and cooperation in providing them.

In terms of the transfer of competencies to local governments, the area of social services is largely complicated. By adopting Act no. 416/2001, there was inconsistency in the transfer of competencies, in the scope of some systems, which were delegated performance of state administration and others in the mentioned area were included in the original scope. The area of social affairs has also acquired its original scope through a temporary transfer of funds. The dilemma was the care service, the implementation of which became an identical competence within self-governing regions and municipalities. Municipalities implemented the decision-making activity of this service, as well as decision-making in the provision of care in social service facilities established

by the municipalities, on the basis of legal provisions. We can bid as a competence, on the basis of possibility, to crisis centers, resocialization centers, which result from Act no. 305/2005 on the social legal protection of children and social guardianship, which, however, was only formal in the end and the local government does not currently set up these facilities. They are a state competence. Another thing is social services facilities such as social service homes for children with a daily stay, social service homes for children with a year-round stay and rehabilitation centers. Today, the devices are designed on the basis of the above-mentioned Act no. 448/2008 on social services. Quantitatively, it passed Act no. 461/2001 as of 1 July 2002 under the municipalities 103 facilities of social services, of which 48 were retirement homes, in the current legislation these are facilities for the elderly and 55 facilities of care services. We can remind that nowadays also home care agencies carry out care taking activities in the sense of non-public providers. For comparison, by this law the self-governing regions also acquired as founding powers, in the same period, 127 retirement homes and social services homes (as combined facilities by the founder's decision), 42 social services homes, 16 nursing homes, 34 shelters, 15 single homes parents, 18 foster care facilities. The above statistics were presented by the Ministry of Labor, Social Affairs and Family of the Slovak Republic. The financing took place from the state budget until the time when social services began to be financed from share taxes and other state contributions. Comprehensively, the Act on Social Services equalized the rights of public and non-public providers. The local government maintains a register of these providers, and over time, and through a legislative definition, a funding mechanism has also been set up, in principle from the point of view of efficiency and availability of social services that have benefited the citizen in terms of subsidiarity. Social services are currently an autonomous area of self-government and the state checks and methodically directs this area. The current situation in the care service, which is one type of service, is such that the costs exceed the income, which causes significant problems for municipalities. This also applies to other social services facilities, with the state supporting this area on the basis of a subsidy scheme in the form of subsidies and contributions. In 2018 the amendment to the Act on Social Services brought certain adjustments, which are ultimately not obvious within the framework of financing social services in the establishment of municipalities. It is also important to recall the changing legislation in social

assistance. Act no. 195/1998 on social assistance was replaced by Act no. 448/2008 on social services, which we mentioned above, where we have the opportunity to analyze the competencies of self-government and at the same time laws were adopted that respond to social protection of children and social guardianship, state social benefits, compensation for the negative consequences of severe disability which are in a competence of Ministry of Labour, Social Affairs and Family - state administration. However, on the basis of the law on social services, we can talk about the completion of the decentralization of the social area to self-government. (Collective of authors, 2019, Performance and financing of transferred competencies).

In individual facilities, conditions are also created for hobby activities, which are included in the mentioned law. Hobby activity is also important in terms of client activity, client education, resocialization, social rehabilitation, because through means and individual methods under professional guidance, it is possible to achieve a solution to the client's problem with his participation and willingness to participate in their own lives. (Lachytová, 2016; Mazur, 2016).

If it is possible to remedy, solve problems, meet needs, fulfill interests, adapt to living conditions that are constantly changing and bring many pitfalls, and the person - the client, not only sees the way out of his situation, but is also willing to participate in improving the situation is his quality of life with the value it values, it tries to protect this value regardless of age and its territorial community is also advancing, in terms of the development of the municipality as a territorial self-government.

CONCLUSIONS

We focused on the legal definition of municipal self-government in connection with the implementation of social services as services for the citizen, whose needs are met in the system of social services, while the citizen participates in defining specific needs. We analyzed the legal regulation, on the basis of which the citizen is the prism of the system in the ultimate goal of social services in municipal self-government.

The basis for us is the creation of optimal conditions for life and development of the citizen, i.e. the self-government resident, who has the opportunity to participate in creating solutions to various problems that

appear in the municipal self-government, precisely by fulfilling the social life of the population.

We have defined the performance of self-government activities with regard to the rights of residents and in the system of social services, where the municipality as a provider or provider exists in full. Thus, it is responsible for the whole system of assistance to the citizen.

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