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MÁRIA SREBALOVÁ / MARIÁN VRABKO / MATEJ HORVAT / JURAJ VAČOK (MÁRIA SREBALOVÁ *et al.*), *Zákon o priestupkoch – komentár* [Act on Minor Offences - Doctrinal Commentary], C. H. BECK: Bratislava - 2015 [avail. 2016], 498 pp., ISBN: 978-80-89603-30-5

IN SLOVAKIA, the Act on Minor Offences<sup>1</sup> (Act No. 372/1990 Coll.) is one of the few sources of law which have been in existence for more than a quarter of a century. Surprisingly enough, despite this fact, there has not been an up to date doctrinal commentary which would provide a new insight into the relevant elements of minor public offences - for more than a decade.

The first publication on the topic in the “current social era” was a doctrinal commentary on the Act on Minor Offences by HELENA SPIŠIAKOVÁ (published by Wolters Kluwer: Bratislava, 2015) followed by the publication of MÁRIA SREBALOVÁ *et al.*

The key differentiating feature between the two books is mainly in the composition of the teams of authors of the respective books. While the book by Helena Spišiaková was written by a single author (Helena Spišiaková), the book which is the subject of this review was written by four well-known scholars (under the direction of MÁRIA SREBALOVÁ).

This may seem as a problem (at first glance) since the authors within such teams must ensure that there are no major differences among the parts written by the respective authors. However, I am glad I can conclude that the book being reviewed does not display

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<sup>1</sup> The term “minor offence” in this review refers to the Slovak term “*priestupok*” which is the least serious public wrong punishable by public authorities, *i.e.* not by courts but by administrative bodies.

this “weakness” and although one can see the differences between the units written by the four authors these differences are not major and are nicely enriching the book as a whole.

The text of the publication has the format of a “doctrinal commentary” which is very popular in the Central European region. Technically this means that the primary source of law is commented on by the authors on a clause-by-clause basis. These commentaries of the authors are then followed by the *ratio decidendi* of relevant judicial decisions relating to the particular clause of the Act which is commented on. I appreciate the fact that the authors have followed the standard pattern of the publishing house (C. H. BECK) and that they also refer the reader to some other sources in which he/she can find relevant information applicable to the particular clause of the Act. Not only do the authors provide source references but they also try to “link” the reader to the other relating clauses within the Act on Minor Offences. Logically and correctly, they also provide the reader with other primary sources of law that may be of relevance when dealing with the contents of any of the clauses the authors comment on. These references usually include the Constitution of the Slovak Republic, the Act on Postal Services, the Act on Administrative Proceedings, the Criminal Code, the Criminal Proceedings Code etc.

The structure of the book gives the reader all necessary information at once without the need to exercise any additional (primary) researching activities. One can simply read the legal norm (*i.e.* the clause of the Act), followed by a set of references to other clauses of the Act on Minor Offences. This is then followed by references to other sources of law and other doctrinal sources. Finally, the gist of the work of the authors follows - which is the commentary itself (written by the authors). In most cases - as suggested above - the final part of the unit is the *ratio decidendi* of the relevant judicial decision.

The book written and published under the direction of MÁRIA SREBALOVÁ is very good for a number of reasons. Most importantly because it was written by authors who are not only qualified lecturers in the academic sphere but who also have experience with the proper operation of administrative bodies in everyday business.

This is important because this approach brings the book closer to the possibility of standard use by administrative bodies. I believe the book was not written for law students only, but the aim of the authors was to contribute to the better execution of good public administration via the vast use of the book by public servants.

As to the subject-matter, the book follows the pattern of the Act on Minor Offences which means the authors did not have a major space for a higher level of flexibility and creativity as to the structure. The format of the book (see above) simply means that the authors had to provide all their relevant and applicable knowledge in the form of commentaries relating to the respective clause (without having the literary platform to provide broader perspectives of the topic). This in itself is not a problem but one must admit that one of the downsides of all books of this kind is that authors do not have the space to provide longer coherent studies but are bound to limit themselves in focusing simply on the text (the gist) of the clause they are commenting on. Of course, logically, this very same feature can be viewed as a benefit, since a student or a public servant looking for specific information is able to find it easily by simply looking up the commentary on the relevant clause without having to decode the relevant information in tens of pages which may have an added academic value but are not necessarily important in the everyday operation of administrative bodies.

Since the book follows the structure of the Act on Minor Offences, the reader would find all the information relating to the general legal regime of minor offences included in the book. The authors provide a comprehensive commentary on general issues relating to minor offences but also on specific minor offences which still are part of the Act on Minor Offences. One must add that today most minor offences are enacted in specific acts, however, the Act on Minor Offences still provides for the definition and the punishments (sanctions) of a limited number of minor offences.

The proceedings relating to the investigation and the legal consequences of committing a minor offence are also well covered in the book. From this brief insight it is obvious that the book consists of substantive and also procedural elements, thus is a complex publication (from this perspective).

I am glad to confirm that the book is written in a semi-academic language; by this I mean that although it was written by professionals, the language and the expressions they use in the commentary are fully understandable by all potential users of the book. In Central Europe one can often see that books are written at a very high level of academic expertise by a well-respected author but the consultation of such books (in everyday life) sometimes lacks simply because of the fact that those who are the primary addressees of the book do not quite understand the theories and the advice suggested by the author(s) in the book. From this point of view, I am glad that the authors have managed to keep a very good balance between the content of the book and the way they expressed their expert knowledge (linguistically).

I also appreciate the fact that, when relevant (and applicable), authors provide the reader with specific information and regulation as set forth by international law and/or EU law. It is not often that authors try to implement elements of the above laws into commentaries on national pieces of legislation, thus by doing so the authors of the reviewed book have enriched their publication and made it possible for it to be used also in the academic sphere in a number of forms.

The same applies to those parts of the book in which the authors try to draw a parallel between administrative law and criminal law. Administrative wrongs (minor offences) - just like criminal offences - are one of the categories of public wrongs - as provided for by the Slovak law and doctrinal sources. From this point of view I appreciate the fact that authors of the reviewed book try to look at some partial topics (in the Act on Minor Offences) also from the point of criminal law. This is very enriching since by using this comparative method, the reader of the book can easily identify the common and the differentiating features between minor offences (administrative wrongs) as one of the categories of public wrongs on the one hand, and criminal offences (as the other category of public wrongs in Slovakia) on the other hand. This is something that gains relevance especially when dealing with such principles as *ne bis in idem* etc.

Finally, I can freely conclude that the book that is subject of this review would be a very good item in any academic library but also in any library of a public authority tasked with taking decisions in cases of minor offences. The book is well written, its content is fully relevant and I am sure that also those individuals who have been active in the field of administrative offences for some time - including practising lawyers, academic staff or public servants - would also find some useful information in the book.