

## ***Factors Influencing the Provision of Social Welfare Services at the Level of Territorial Self-Government of the Slovak Republic***

Vladimíra ŽOFČINOVÁ<sup>1</sup>

**Abstract:** *In the democratic countries with the prevailing social-oriented economy, the social assistance fulfills the basic function in the provision of the living standard of individuals, who are in a pressing social situation and they are not capable of handling that situation on its own and seek for an intervention from the part of the state. V Author thinks of the factors that influence the exercise of the right to benefit from the social welfare services through the legal principles. We pay our attention to the social welfare services provided to the senior citizens and present them via the example of Košice self-governing region, thus from the view of the territorial self-government. In present, it is expected that further development of social welfare services for senior citizens will continue particularly due to the aging population.*

**Keywords:** social welfare services, territorial self-government, legal principles, factors

**JEL:** K 31, H 55, K 39, H 75

### **Introduction**

The system of social assistance represents the state-regulated guarantee of a social protection for individuals as well as for whole families who are in a pressing social situation due to an impossibility to ensure their basic necessities, preferably by their own work. Such families deserve a special protection (Barinková,2004).In the socially oriented economies, the social assistance takes the ethical and moral values of a society, while respecting human dignity, into account The third subsystem in the Slovak legal system is the social security law (the other subsystems include social insurance and state social support) and it ensures one of the important guarantees of the provision of social protection through the assistance in the case of a material distress as well as by the provision of social welfare services and compensation of social impacts of a serious disability.

### **1. Research aim and specific objectives of the paper, methodology of the research**

The right to benefit from social welfare services, in view of the European Union law, has its legislative basis in the Revised European Social Charter. The legal system of the Slovak Republic also reflects the implementation of this right and

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<sup>1</sup> JUDr., PhD., Faculty of Public Administration Pavol Josef Safarik University of Kosice, Košice, Slovakia; vladimira.zofcinova@upjs.sk

defines its institutional, as well as legal incorporation in Article 39 Section 2 of the Constitution of the Slovak Republic which states that „any person, suffering material need shall have the right to such kind of assistance that is necessary to secure his or her basic standard of life”. The Constitution of the Slovak Republic has a programming nature only and the detailed legal regulation is included in Act No. 448/2008 Coll. on social welfare services, as amended. The implementation of the right benefit from social welfare services depends not only on the statutory guarantees, but also on the relation between fundamental freedoms and social rights in the given country, a political route, economic conditions, as well as the preference and setting of the relation between the social policy principles (in the strict sense of the social security). Even the semantic content of the „social welfare services” collocation marks a purposeful targeting and the meaning of the application of this special tool of state social policy in practice (Matlák, 2012). Exactly, at the theoretical and legal platform for the implementation of social welfare services is thus fulfilled not insignificant social function of the state, which tries to act not only as a guarantor of minimum standards of social rights, but it also lends a notional „helping hand” to those who are in greatest need of such help, in the form of social welfare services. However, the position of the state understood in this way, cannot be absolute, since a penetration of various circumstances – factors into the provision of social welfare services is evident, especially in connection with both the legislative regulations and real compliance with the value and axiological principles applied in the social policy, as well as in connection with the demographic changes, economic environment, etc. In the light of these aspects, the question is whether the provision of social welfare services is real, available, cooperative for a receiving person who has to rely on the social assistance, and not only a declared right to benefit from social welfare services pursuant to Article 14 of the Revised European Social Charter.

The objective of the paper is to provide a legal view on the aspects that influence the implementation of the right to benefit from social welfare services in the light of the application of principles in social policy (in the strict sense also in social security law) as well as to draw the attention to some circumstances influencing the provision of social welfare services. We provide the example that includes the social welfare services provided to a selected target group of beneficiaries of social welfare services beneficiaries – the senior citizens in the Košice Self-Governing Region from the point of view of territorial self-government, since Krunková (2016) states that it is accepted as the basic unit of public administration performance also within the international scope. We try to reach the set out objective aim primarily by exploring the legal status. Since the range of the problems explored is large, it is obvious that it is not possible to reach their explanation without an outline of current applicable legislation. It is also connected with the analysis of principles which arise in a synchrony of the law creation as well as in the law application while they are ethically non-cancellable for practice since their analysis is always actual.

So as to fulfil the objective we set out, we have used the content analysis of the Development Policy of Social Welfare Services in Košice Region for 2016-2020, the Development Plan of Košice City for 2015-2020 and the Integrated Territorial Strategy of Sustainable Development of a Košice City functional district for 2015-2020 (2023), while we have also used the analysis of available secondary statistical data. In the study, an analytical and synthetic method is applied, especially in the part describing a penetration into legislative sources and in addition to logical procedures, the method of causality and deduction was applied in the part presenting the evaluation opinions and conclusions.

## **2. Literature review**

The social area is subject to an international control through the system of international, legally binding documents adopted at the level of a worldwide or regional grouping of countries. Therefore, the international aspects that are reflected in the obligations of the Slovak Republic through the ratified international agreements and arrangements and also the ones resulting from the legal acts of the European Union law. In the historical context, the key role played the Universal Declaration of Human Rights (1948) since it regulated the right to a standard of living as one of the fundamental rights. The standard of living is also guaranteed by the International Covenant on Economic, Social and Cultural Rights (1966). At the European level, the Revised European Social Charter announced in the Collection of Laws of the Slovak Republic under No. 273/2009 Coll. (hereinafter referred to as Revised ESCH), which entered into force on 1 July 2009 upon completed ratification process, also contributed considerably. It has made the original catalogue of social rights significantly wider, inter alia, by the right to benefit from social welfare services (Art. 14). By the ratification, the Slovak Republic undertook, in connection with Article 14, Section 2, to encourage the participation of both individuals and voluntary or other organizations in the establishment and maintenance of social welfare services. Act on social welfare services (No. 448/2008 Coll. as amended) created a suitable legal space for an individual and comprehensive approach to a social situation handling when the provision of social welfare service is appropriate and needed. Considering the person who is the subject of the provision of social assistance, first of all, his/her options and capabilities of an improvement of his/her social situation are considered, including earnings from work, connections to family members who are capable of influencing positively the injurious situation and to help in handling it. This approach is based on the solidarity and participation principles. The solidarity means a “common, collective” protection against risks, thus the solidarity, which does not consist in a passive waiting for satisfactory handling the crisis situation of an individual by a state or another subject. Horváthová (2016) states, inter alia, that the state has to focus on mechanisms which ensure the capability of each state to influence sufficiently the satisfaction of its citizens. By Macková (2001) it is a solidarity with “active” attribute. The actual form of the provision of social services has undergone the reform process and although the

process is not the subject of this paper, it is worth mentioning that one of the constituent parts was the deinstitutionalisation sphere, the approximation of the nature of residential care services to the model of family care, the sphere of a development of community services. The given act divides the providers in its content into public and non-public ones, while within the framework of public providers, the position of higher territorial units and municipalities was strengthened and for non-public providers, the wording of Article 14 of the European Social Charter has been fulfilled, i.e. the encouragement of the participation of both individuals and voluntary or other organisations in the establishment and maintenance of social welfare services. The unequal position of the providers (public versus non-public providers) can be considered as a negative element in the legal construction of a provision of social welfare services. The philosophy of the act is built, inter alia, on ensuring of individual needs of a client – “a service tailored to clients’ needs“, what corresponds to a beneficiary’ entitlement to select a social welfare service, a form and a provider of that service under the conditions laid down by law. But, non-public providers are of a different starting position compared to the public providers established by a municipality/higher territorial unit. It is possible to state that incorporation of a right of priority of a public provider to operate at “a market of social services” makes impossible to fully develop the application of a legal right of a client to choose a subject for the service provision. In practice, a limited selection of a provider may result in a client’s failure to obtain a benefit from social welfare services in terms of sufficient quality pursuant to Article 14 of the Revised ESC.

But, the legally anchored option to provide social welfare services has not been supported by real legal guarantees leading to a transformation of an option into reality. We are referring not only a construction of legal conditions which to be met so as to implement the objective law. The existence of conditions of a legal relationship for a social welfare service provision does not guarantee the equal rights and duties to two categories of providers in the implementation of this activity. In connection with legislation, it is important also to mention the conceptual materials, which undoubtedly shape the legislative framework of the provision of social welfare services. In 2014, the “National Preferences of Development of Social Welfare Services for 2015-2020” were adopted in the Slovak Republic. The priorities reflect the actual situation in the provision of social welfare service in the Slovak Republic, especially a lack of capacity of social welfare services provided in a natural (home and community) environment of citizens, the need to maintain a sustainable funding of social welfare services and development of their quality. They are based on the needs identified within the national and European context, with the emphasis on the availability and accessibility of the social welfare services and their long-term financial sustainability and efficiency. The document underlines the human-right aspect and the orientation to the needs and preferences of beneficiaries of social welfare services.

Adopting legislative changes and amendments to acts, creating conceptual materials, a beneficiary – an individual for the benefit of whom the social welfare service is provided, should be born in mind in particular. Therefore, it is necessary to respect the basic principles in social welfare services that are changeless in the

case of any legislative change. The principles differ from legal standards by a degree of generality and they are the important tool for the expression of the content relations between the legal standards. In the sphere of social welfare services as a component part of the social assistance, as well as in other subsystems of the social security, the basic principles, which, by Macková (2001), present the basis, basic rules for operation, development, and shaping of (also) social welfare services. They are value and axiological principles, which reflect the value orientation of a social order.

In this connection, the issues about the application of *a principle of social justice* and about its level in the sphere of social welfare services, are always actual. The attribute of social justice is the equality in opportunities for everybody, therefore, also for all beneficiaries regardless a place of residence. The ideas of clients about a geographic availability encounter on legal differences between providers and their factual inequality. The ideas about the functioning of a social justice principle differ depending on the angle of view of specific reviewers. A subjective assessment of the statutory conditions and prerequisites of the provision of social welfare services from the part of some clients is connected with negative feelings and an inequality leading to a destabilization while expecting a specific service. Macková (2001) argues that the social justice is not applied detached from other principles and larger or smaller emphasis of any of them depends on the given social situation. The social justice as a constructional element of the legal regulation of social welfare services is influenced by another principle, on which all the subsystems of the social security are, more or less, built – *a social solidarity*. Based on the premise that a collective responsibility and belonging (solidarity) is oriented to meet the idea of social justice, we come to learn that the statutory regulation of the social welfare services providers' position elevates the solidarity over the social justice. It applies the principle of solidarity to a greater extent, in the form of statutory expression of an effort for “indiscrimination” solution of securing of the social welfare services for all entitled applicants. The question is, whether the applied solidarity level which outweighing the balance is in accordance with the social justice requirement. (Barinková-Žofčinová, 2011).

The principle of participation and co-decision – *a principle of participation*, is of equal importance in the implementation of the law to benefit from the social welfare services. Every social subject has his/her own idea about objectives, ways of handling of his/her social situation and he/she behaves in each specific situation according to the level of interest, motivation, depending on the option to carry out his/her plans. In connection with the provision of social welfare services, exactly this approach is disputable particularly in the fact that the right for a selection of the social welfare service provider is limited by, for example, availability, funding, large-capacity facility, circumstances and so on. We are currently witnessing the times when a man does not want to be only a passive beneficiary of social, legal and political measures, but he/she wants to have the right to choose without any limitations (as it is for health care provider). According to Tomeš (2009), there is no

doubt that the social welfare services are the vital component part of the social protection of individuals.

In this connection, we consider it important to mention *the equality in the provision of social welfare services*. The equality is also the principle of social relations arranged in such a way so that people are all equal (Macková, 2001). The equality means at least a protection against unfavourable discrimination. However, the cause for discrimination changes in time, with obtained information, with experience and gaining the insight into the heart of this matter. What we have tolerated a hundred or even twenty years ago as a society, we no longer have to today. Thus, the equality is the process of continuous and flexible exploration, the process of a watchful introspection and the process of mind-openness. Even if we are not always certain what the “equality” means, most of us have a clear idea what is fair. What we consider to be fair is often closely connected with a subjective perception of a social, existential or economic situation of a specific observer (Barinková-Žofčinová, 2011; Ohanyan, Androniceanu, 2017). The clients’ ideas about the social welfare services performance face the statutory differences in the legal status of two groups of providers, their factual inequality.

### **3. Results of the research and discussion**

The social security is influenced in all sub-systems, including the level, standards, availability and quality of the social welfare services (a subsystem of social assistance) by basic factors which have a decisive influence on the establishment and development of the social security in all its sub-systems, i.e. within the framework of the social assistance, thus at the status, level and development of the social welfare services. Matlák (2012) has divided these factors into internal and external ones. The external ones include the influence of foreign systems, experience, globalization processes, and migration. The internal ones include a demographic structure of inhabitants, economic situation and influence of economic situation, the political situation in a country and so on. The demographic changes can be considered to be one of the most noticeable and influencing factors. Their impacts are currently the subject of many scientific studies at the Europe-wide level (Davoudi, 2010; Rees, 2012) and specifically at the level of Central and Eastern Europe. (Botev, 2012, Káčerová-Ondráčková, 2015).

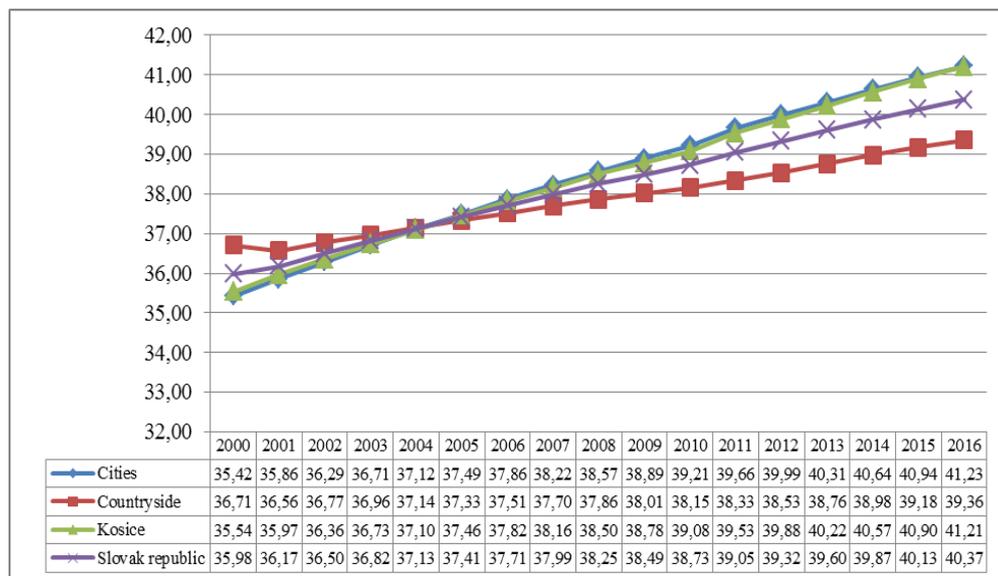
The demographic factor, in particular, a demographic aging, is a key factor for the provision of social welfare services. One of the most serious consequences of the demographic development is, according to Barancová (2012), the aging population at European level. Also, the experts are currently viewed old age in simple terms through the pensionable age. But the age is not the condition of obligatory retirement, therefore the legislation admits the option of “active aging” and continuing engagement on work. However, in connection to the demographic aging, there is an obvious direct correlation with a need of an increase of social welfare services. The care for senior citizens is the essential component part of the provision of social welfare services. In Slovakia, there is a more intense factor of the population religiosity and consequential

more intense family-friendly behavior. Relatively higher number of senior citizens still live with their, often extended, families (Kačerová&Mládek,2013). The demographic forecasts show the enormous increase of older senior citizens (over 80 years of age), who usually use the facilities and participate in the activities of residential social welfare services more frequently.

### 3.1 Demographic Aging in Connection to the Provision of Social Welfare Services to Senior Citizens

The process of the demographic aging is not only the issue of European statistics, but it becomes a significant feature in the population of Košice City as the biggest city in the Košice Region. The number of inhabitants in a working age decreases and the number of inhabitants in post-working age increases. Figure No. 1 shows the obvious increase of the average age at Slovakia territory, along with the increase of the average age of inhabitants in cities/towns and in the countryside, especially in Košice City. Comparing data for years 2000 and 2016, the increase at the level of whole Slovakia is 4.39 years, at the level of Košice City 5.67 years, in the countryside 2.65 years and in cities/towns 5.81 years.

**Figure 1. Average age of population (2000-2016)**



(Source: Author, 2017 according to data from Statistical Office of the Slovak Republic)

To is also the reason that public services, including social ones, are naturally concentrated in towns, particularly at a regional level, and the beneficiaries – senior citizens also come from other urban units than from Košice City. Košice region is the fourth largest region in terms of area in the Slovak Republic. It consists of 11 districts (Košice I, II, III, IV, Košice-okolie, Gelnica, Michalovce, Rožňava,

Sobrance, SpišskáNováVes, Trebišov) and 440 villages. The aging, an unfavourable trend that is evident also in this region, make demands on the social system and consequently, the need to broaden various forms of social assistance increases. Košice region belongs to less developed regions of Slovakia. Table 1 shows that the number of inhabitants of post-working age (65-100+) is growing in all districts of the Košice Self-Governing Region.

**Table 1. Structure of Inhabitants in Košice Region according to Basic Age Groups**

District	Pre-Working Age (0-14)		Working Age (15-64)		Post-Working Age (65-100+)	
	2010	2015	2010	2015	2010	2015
Gelnica	6 334	6 340	21 355	21 176	3 751	4 111
Košice I	9 708	9 027	48 390	48 512	9 087	10 198
Košice II	12 470	12 411	58 684	58 316	9 681	11 690
Košice III	4 214	4 151	23 727	22 068	1 661	3 007
Košice IV	8 232	8 688	40 080	39 626	7 952	11 506
Košice- okolie	22 933	24 520	81 272	85 721	12 117	14 337
Michalovce	19 468	18 783	78 352	77 683	12 346	14 246
Rožňava	10 475	10 377	43 876	44 068	7 476	8 254
Sobrance	3 624	3 421	16 231	15 879	3 358	3 506
SpišskáN.Ves	20 009	20 121	68 191	67 577	9 584	11 468
Trebišov	18 973	18 580	74 331	73 934	12 058	13 348
<b>Košice Region</b>	<b>136 440</b>	<b>136 419</b>	<b>554 489</b>	<b>554 560</b>	<b>89 071</b>	<b>105 671</b>

(Source: Author, 2017 according to the analysis included in the Development Policy of Social Welfare Services in Košice Region for 2016-2020)

The ratio of inhabitants in post-working age to a total number of inhabitants in particular districts of Košice region is more than 10% (excluding Košice III – 7.83%). From the point of social welfare services, the important indicator is mainly the number of inhabitants over 80 years of age and according to Káčerová & Mládek(2013), their number will be growing, along with the demand for the social welfare services. The age of 80 is for a human the life stage, when the prevailing number of senior citizens lives without a life partner and the satisfaction of life needs without the assistance of other subjects is rare. According to the Development Policy of Social Welfare Services in Košice Region for 2016-2020, there were 18 966 inhabitants older than 80 years of age in 2014, what represented 2.4% of the region population.

**Table 2. Forecast of Development of Number of Inhabitants of Košice Region  
(2016-2030)**

Age/Year	2016	2017	2018	2019	2020	2025	2030
<b>Pre-Working Age (0-14)</b>	139 553	140 146	140 440	140 265	139 873	135 449	128 290
<b>Working Age (15-64)</b>	553 017	549 983	547 293	544 904	542 407	533 606	530 551
<b>Post-Working Age (65-100+)</b>	108 827	112 897	116 771	120 592	124 510	142 300	157 218
<b>Košice Region total:</b>	801 397	803 026	804 505	805 761	806 791	811 355	816 059

(Source: Author, 2017 according to the analysis included in the Development Policy of Social Welfare Services in Košice Region for 2016-2020)

According to the forecasting study (Table 2), which is the basis for the Development Policy of Social Welfare Services in Košice Region for 2016-2020, it is assumed that Košice region will have probably 816 059 inhabitants in 2030, what, compared to 2016, is more by 14 662 inhabitants. However, the number of pensioners will be increased and vice versa, the number of inhabitants in working-age will be decreased. According to the forecast, the proportion of children (0 – 14 years old) will drop from actual 17 % to 16 % and the proportion of people aged over 65 will increase from actual 12 % to 19 %. Accordingly, the identified need of development of the social welfare network in Košice region is thus confirmed – the need of development of community social welfare services, separately for senior citizens, as a consequence of expected demographic change. The most used forms, taking the critical age limit of 80 into account, include “a facility for senior citizens”. It provides a social welfare service to natural persons, who have reached retirement age and is dependent on help from another natural person, are diagnosed with the dependency degree (at least IV, pursuant to Annex 3 to the Act on Social Welfare Services) or to natural persons who have reached retirement age and the provision of a social welfare service in such facility need by other serious reasons. This social welfare service is currently used by more than 3,000 beneficiaries in Košice region. There are a prevailing number of non-public providers, but public providers have higher capacity available since most of the public providers provide the service in large-capacity facilities. It is “a heritage” from the past, when the state, as a founder, preferred the large-capacity facilities. In comparison with 2010, there is a considerable drop in the capacity of KSK facilities (by 50 %) on one hand and on the other hand, there is the capacity increase in municipalities’ facilities (by 20 %), but especially in the case of non-public providers (by more than 80 %). (The Development Policy of Social Welfare Services in Košice Region for 2016-2020).

**Table 3. Facilities for Senior Citizens in Košice Region (to 30 September 2015)**

District	Public Providers				Non-Public Providers		Total	
	KSGR		Municipalities		Number	Seniors	Number	Seniors
	Number	Seniors	Number	Seniors				
Gelnica	-	-	1	31	2	42	3	73
Košice I-IV	2	190	1	190	5	173	8	553
Košice- okolie	-	-	2	60	8	301	10	361
Michalovce	1	50	1	188	4	126	6	364
Rožňava	1	50	-	-	3	171	4	221
Sobrance	-	-	1	12	-	-	1	12
SpišskáNováVes	-	-	1	175	1	17	2	192
Trebišov	1	50	2	156	4	81	7	287
Spolu	5	340	9	812	27	911	41	2063

*Source:* Author, 2017 according to the analysis included in the Development Policy of Social Welfare Services in Košice Region for 2016-2020

Košice self-government region also provides, in addition to the facilities for senior citizens, many other social services, e.g. facilities with residential care, rehabilitation centers with outpatient form or staying form, the day centers, transporting or interpreting services, and so on. The villages, within their competencies, provide or ensure the provision of social welfare services for senior citizens in a facility for senior citizens, in a facility with residential care and in a day center. The village provides or ensures a care service, transporting service, respite care. It provides basic social advisory services. There is the effort to include not only actual trends, such as the deinstitutionalization, into further development of the social welfare services within a defined territory but to apply the principles of social justice in terms of the territorial availability of a social welfare service for a senior citizen much more. That opens the opportunity to reconsider and improve the conditions of application of the exercise of the right to benefit from social welfare services in the whole self-governing region while respecting the competences of the regional (Košice self-governing region) and local (Košice city) self-government.

### 3.2. Discussions

By laying down of basic standards of social welfare services in the act on social welfare services, the legislator has created a legal guarantee of the provision of social welfare services. Thus, what is stopping use from “satisfied” application of the right to benefit from the social welfare services? They are limits – factors, which we have tried to specify in detail, i.e. frequently amended and criticised legal regulation that raises many questions, real observation of the principles in application practice, as well as, the demographic, economic and other factors, which undoubtedly have the impact on the level of the provision of the social welfare services. A promotion of a service beneficiary is considerably corrected, without an

opportunity to show own vision about a facility and place, where the service is to be provided. It appears that the solutions in some cases of practical implementation of the act on social welfare services were not “tailored”, or a client was not socially incorporated into a community or environment close to that client. His/her placement in a facility providing social welfare services located in other district or region may result in a weakening of his/her social relations to family members or other persons close to him/her. In this context, we speculate about resulting potential weakening of a participation – cooperation principle. At the same time we argue whether the statement that equal opportunities for everybody are the attribute of social justice and means “the wellbeing of all the people”, is real, not only declared, in connection with the provision of social welfare services in terms of their availability (especially in small towns, villages). In addition, it is necessary to consider the material sources and economic background of a beneficiary of a social welfare service, which is a decisive factor when he/she is to decide what level of the service quality is available for him/her.

The example of Košice self-governing region’s relationship to senior citizens shows that the segment of residential services belongs to the most developed ones, while however, we have to state that the distribution of the social welfare services is not uniform and corresponds to the demographic and social-economic situation in the region in terms of the geography. It is also given by existing development of the network and it is its „heritage” to a certain extent. The availability of those services is high, especially in Košice, perceived as a “strong core” of the most of the social welfare services in the region. The strategy of functional urban regions brings a real challenge to optimize this condition. The weak point consists in the existence of large-capacity facilities. The development trend is to decrease the capacities of residential services, to deinstitutionalize the care, to approximate the nature of residential services to a model of family care, to develop the community services. One of the consequences of the population aging is the increased demand for social welfare services. At the same time, it is necessary to consider the diversified needs of this very heterogeneous target group in relation to services. Only a third of municipalities in the region, 2017 according to the Development Policy of Social Welfare Services in Košice Region for 2016-2020, provides a care service for senior citizens, which enables them to stay in their natural environment in old age what we consider to be insufficient in the context of real application of the right to benefit from the social welfare services. The specific objective of the transformation and deinstitutionalization of the social welfare services for senior citizens is to re-profile the existing facilities for senior citizens and the care facilities into the facilities of short-/long-term or one-week stay and to rationalize their capacity for the needs of the inhabitants of the given territory/community. The condition of that process is a maximum strengthening of social welfare services of field and outpatient nature, including an informal care.

#### **4. Conclusions**

In the end, we may state that particularly the lives of those most vulnerable individuals reflects whether there is real rule of law and social state. The democratic state may only exist and be functional if those individuals have real, not only declared, decent standard of living (Macková, 2001). By this message, we consider to be required and entitled not to underestimate the right to benefit from social welfare services and to gradually remove the obstacles to its exercise. It is also important to apply the above-mentioned principles more carefully in handling the social welfare services (not only in Košice region), especially the social solidarity along with the social justice. The handling of social situations and ensuring the rights of citizens in social security, thus, at the level of social assistance, requires a sensitivity at the “weighing” and appropriate “dosing” of the principles and setting of an optimal balance between them. One of the objectives of the regional development is, inter alia, also the effort to influence the quality of living of the inhabitants of the regions (Hrabovská, 2016), therefore, every government that introduces new priorities in the provision of social welfare services, declares its primary interest in the citizens, the inhabitants of the specific region. The political representation that defends the interests of the citizens at the given territory should continuously be conscious of it (Mandys, 2014). However, actually, the client is many times placed beyond “the figures, efficiency, and occupancy”.

#### Acknowledgement

This paper was supported by Project VEGA č. 1/0340/17 Forms of municipal self-government

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