



**ȘTIINȚE POLITICE  
POLITICAL SCIENCE  
ПОЛИТИЧЕСКИЕ НАУКИ**

**RETRIBUTIVE LEGAL REGULATIONS IN SLOVAKIA  
APPLIED AT THE LOCAL LEVEL**

JANAS Karol\* / JANAS Karol / ЯНАС Карол  
<https://orcid.org/0000-0002-9169-775X>

**ABSTRACT:  
RETRIBUTIVE LEGAL REGULATIONS IN SLOVAKIA  
APPLIED AT THE LOCAL LEVEL**

The end of the Second World War and the restoration of the Czechoslovak Republic also brought changes in criminal legislation, through which the new power was to deal with traitors and collaborators who had erred during the war. The legislation had to respond especially to the different political situation that prevailed in the years 1939–1945 in the individual parts of the Czechoslovak Republic. After the breakup of the pre-war Czechoslovak Republic in March 1939, the political situation in its parts developed differently. Slovakia separated and during the Second World War functioned as the Slovak Republic, which was an ally and satellite of Germany.

The Czech part of the Czechoslovak Republic was occupied by Germany and functioned under the name Protectorate of Bohemia and Moravia. In addition, parts of the territory of the Czechoslovak Republic were ceded to Germany after the Munich Agreement and to Hungary after the Vienna Arbitration, and became integral parts of these states. Although the Czechoslovak Republic was restored after the Second World War within its pre-war borders, post-war retributive legislation had to respect this situation. Almost immediately after the passage of the front and after the end of the Second World War, spontaneous attempts began to punish Germans, traitors, and collaborators from among the Slovak nation who had committed crimes during the war.

It was examined who had erred during the existence of the Slovak Republic, who had contributed to the persecution of resistance members and insurgents during and after the outbreak of the Slovak National Uprising. Those who had contributed to the persecution of Jewish fellow citizens were also to be punished. This was a very important task, since the Jewish community in Slovakia in almost all towns and villages had been almost destroyed.<sup>1</sup> In Slovak towns and villages, where almost everyone knew each other personally and were often connected by family ties, it was very necessary to give this process a legal framework.

**Keywords:** Retributive criminal offences, Second World War, Retributive justice

\* **JANAS Karol** - Doctor habilitat în științe politice, conferențiar universitar, Șef Catedră Politologie, Universitatea „Alexandr Dubček” din Trenčín, Slovacia; Membru al Parlamentului Slovaciei (Trenčín, Republica Slovacă). / **JANAS Karol** - Doctor of Political Sciences, Associate Professor, Head of the Department Politologie of the Trenčianska Univerzita Alexandra Dubčeka v Trenčíne, Member of the Parliament of The Slovak Republic (Trenčín, The Slovak Republic). / **ЯНАС Карол** - Доктор политических наук, доцент, Заведующий кафедрой политологии Тренчанского университета им. Александра Дубчека в Тренчине, член Парламента Словацкой Республики (Тренчин, Словацкая Республика). **E-mail:** [karol.janas@tuni.sk](mailto:karol.janas@tuni.sk) ; <https://orcid.org/0000-0002-9169-775X> ; Scopus Author ID: ; <https://www.scopus.com/authid/detail.uri?authorId=56955276300> ; Web of Science ResearcherID: FCX-4083 56955276300 2022

<sup>1</sup> BELÁS, Milan: Židia v Považskej Bystrici. Považská Bystrica : Creo plus, 2015, p. 127-129.

**JEL Classification:** H11; H56; K10; K42

**Universal Decimal Classification:** 34(091)(4/9); 321(091)(4/9); 347.96(4/9); 343.3/.7

<https://doi.org/10.61753/1857-1999/2345-1963/2026.22-2.07>

РЕЗУМАТ:  
**REGLEMENTĂRI LEGALE RETRIBUTIVE ÎN SLOVACIA  
APPLICATE LA NIVEL LOCAL**

Sfârșitul celui de-al doilea război mondial și restaurarea Republicii Cehoslovace au adus, de asemenea, modificări în legislația penală, prin care noua putere era să se ocupe de trădători și colaboratori care au greșit în timpul războiului. Legislația trebuia să răspundă în special situației politice diferite care a predominat în anii 1939-1945 în părțile individuale ale Republicii Cehoslovace. După destrămarea Republicii Cehoslovace de dinainte de război în martie 1939, situația politică din părțile sale s-a dezvoltat diferit. Slovacia s-a separat și în timpul celui de-al doilea război mondial a funcționat ca Republica Slovacă, care a fost un aliat și satelit al Germaniei.

Partea cehă a Republicii Cehoslovace a fost ocupată de Germania și a funcționat sub numele de Protectoratul Boemiei și Moraviei. În plus, părți ale teritoriului Republicii Cehoslovace au fost cedate Germaniei după acordul de la Munchen și Ungariei după arbitrajul de la Viena și au devenit părți integrante ale acestor state. Deși Republica Cehoslovacă a fost restaurată după cel de-al doilea război mondial în interiorul granițelor sale de dinainte de război, legislația retributivă de după război a trebuit să respecte această situație. Aproape imediat după trecerea frontului și după sfârșitul celui de-al doilea război mondial, au început încercări spontane de a pedepsi germanii, trădătorii și colaboratorii din rândul națiunii slovace care au comis crime în timpul războiului.

S-a examinat cine a greșit în timpul existenței Republicii Slovace, cine a contribuit la persecuția membrilor rezistenței și a insurgenților în timpul și după izbucnirea Revoltei Naționale Slovace. Cei care au contribuit la persecuția concetățenilor evrei trebuiau, de asemenea, să fie pedepsiți. Aceasta a fost o sarcină foarte importantă, deoarece comunitatea evreiască din Slovacia, în aproape toate orașele și satele, a fost aproape distrusă. În orașele și satele slovace, unde aproape toată lumea se cunoștea personal și erau adesea legate prin legături de familie, era foarte necesar să se acorde acestui proces un cadru legal.

**Cuvinte cheie:** infracțiuni penale Retributive, al Doilea Război Mondial, Justiție retributivă

**JEL Classification:** H11; H56; K10; K42

**CZU:** 34(091)(4/9); 321(091)(4/9); 347.96(4/9); 343.3/.7

<https://doi.org/10.61753/1857-1999/2345-1963/2026.22-2.07>

РЕЗЮМЕ:  
**КАРАТЕЛЬНЫЕ ПРАВОВЫЕ НОРМЫ В СЛОВАКИИ  
ПРИМЕНЯЕМЫЕ НА МЕСТНОМ УРОВНЕ**

Окончание Второй мировой войны и восстановление Чехословацкой Республики также привели к изменениям в уголовном законодательстве, с помощью которых новая власть должна была бороться с предателями и коллаборационистами, допустившими ошибки во время войны. Законодательство должно было в первую очередь соответствовать различной политической ситуации, сложившейся в 1939-1945 годах в отдельных частях Чехословацкой Республики. После распада довоенной Чехословацкой Республики в марте 1939 года политическая ситуация в ее отдельных частях развивалась по-разному. Словакия отделилась и во время Второй мировой войны функционировала как Словацкая Республика, которая была союзником и сателлитом Германии.

Чешская часть Чехословацкой Республики была оккупирована Германией и функционировала под названием протекторат Богемия и Моравия. Кроме того, части территории Чехословацкой Республики были переданы Германии после Мюнхенского соглашения и Венгрии после Венского арбитража и стали неотъемлемыми частями этих государств. Хотя Чехословацкая Республика была восстановлена после Второй мировой войны в своих довоенных границах, послевоенное карательное законодательство должно было учитывать эту ситуацию. Почти сразу после прохождения фронта и окончания Второй мировой войны начались спонтанные попытки наказать немцев, предателей и коллаборационистов из числа словацкого народа, совершивших преступления во время войны.

Было выяснено, кто допустил ошибки за время существования Словацкой Республики, кто способствовал преследованию членов сопротивления и повстанцев во время и после начала Словацкого национального восстания. Те, кто способствовал преследованию сограждан-евреев, также подлежали наказанию. Это была очень важная задача, поскольку еврейская община в Словакии почти во всех городах и деревнях была практически уничтожена. В словацких городах и деревнях, где почти все знали друг друга лично и часто были связаны семейными узами, было крайне необходимо придать этому процессу правовую основу.

**Ключевые слова:** Карательные уголовные преступления, Вторая мировая война, карательное правосудие

**JEL Classification:** H11; H56; K10; K42

**УДК:** 34(091)(4/9); 321(091)(4/9); 347.96(4/9); 343.3/.7

<https://doi.org/10.61753/1857-1999/2345-1963/2026.22-2.07>

## **INTRODUCTION**

At present, archival documents and court files are being made accessible for the first time, allowing researchers to process this period. They make it possible to analyse the numbers and reasons for the selection of investigated persons. We can process the severity of imposed sentences, but also compare sentences imposed by individual courts, even within one court for defendants who committed almost identical criminal acts. We can ask questions and seek answers as to why this happened in this way. In particular, court files from public hearings shed light on the importance of kinship relations, which in small towns connected families from often opposing political sides. Another reason was often that everyone was aware of their mutual guilt. They knew that only the most significant traitors and collaborators who committed crimes were being tried. However, almost everyone had committed such acts to a lesser extent—at least by remaining silent during the years of the Second World War and by providing the regime, which after the war proved not to have shunned even the most serious crimes, with either silent or open support. Perhaps that is why they wanted to get it over with as quickly as possible. They wanted to forget their own failures and punish at least the greatest culprits. Among the majority of society, the view prevailed that the entire wartime period should be definitively closed.

However, this was not an easy task. In these processes, the local community dealt with the actions of people they had often known since childhood and who had failed during the war. When studying judgments, the disproportion between sentences for long-established residents and for newcomers who had moved into towns and villages is often striking. Long-established residents, with few exceptions, usually got away with very low sentences—often only with a public reprimand or were even completely acquitted. People who had moved shortly before or during the Second World War received much harsher sentences. And since testimony was given under oath, the records of court hearings can also provide a new perspective on the period of the Second World War and clarify certain processes that have so far escaped scholarly research or have not been reflected due to their local and regional impact. The records reveal the motives of the inhabitants, their actions, and the reasons for their conduct as perceived by the public during and after the war. They also provide an interesting view of how the accused justified their actions to themselves. At the same time, they allow researchers to understand all the limits and shortcomings of such proceedings, which, due to the absence of clearly defined criteria for criminal acts, resulted in inconsistent decisions.<sup>1</sup>

## **POST-WAR RETRIBUTIVE JUDICIARY**

Shortly after the passage of the front, labour camps began to be established in Slovakia for persons who were, in the terminology of the time, labelled as traitors and fascists. They were established by District National Committees, which were created as new bodies of public administration after the end of the Second World War. In addition to taking over the administration of public affairs in

---

<sup>1</sup> MALATINSKÝ, Michal: Pred súdom národa? Retribúcia na Slovensku a Národný súd v Bratislave 1945-1947. Bratislava: Post Scriptum, 2019.; RAŠLA, Anton: Ľudové sudy Československu po II. svetovej vojne ako forma mimoriadneho súdництва. In: RAŠLA, Anton: Povedané – napísané. Banská Bystrica : Klub priateľov Múzea SNP pre Múzeum Slovenského národného povstania, 2021.

districts, they also gained the authority to carry out the cleansing of public life from Germans and collaborators. For the purposes of internment and isolation of traitors and collaborators, they very often established detention camps.<sup>1</sup> In addition to traitors and collaborators, many persons who had been prominent under the previous regime were placed there.<sup>2</sup> Local Germans were also placed there.<sup>3</sup> Since there was initially no legal framework for the establishment of such camps, they had to be legalized later. This was done on the basis of Regulation of the Slovak National Council No. 105/1945 Coll., adopted on August 23, 1945. It was valid and effective from May 1, 1945, and was to remain in force for two years. Their establishment and organization was to be ensured by the Commission of the Slovak National Council for Internal Affairs. Details concerning the establishment of labor units were later specified by the implementing regulation of the Board of Commissioners No. 89/1946 Coll. of the Slovak National Council. The camps had expanded competence compared to the original state. Persons sentenced to imprisonment under retributive regulations were to be placed in the camps, where they were to serve part of their sentence in special labor camps. However, persons avoiding work or general labor duty were also interned there. Persons convicted under Regulation No. 106/1945 Coll. of the Slovak National Council on stricter punishment of certain offenses were also placed there. Importantly, persons threatening the building of the state in the spirit of people's democracy, public security, public order, and public supply, as well as persons expressing hostile attitudes towards the state or inciting others to such attitudes, were placed in labor camps. For conditions in towns and villages in Slovakia, it was also significant that after the Second World War, in accordance with point VIII of the Košice Government Program, Constitutional Decree of the President of the Republic No. 33/1945 Coll., in agreement with the Slovak National Council, established the loss of state citizenship for Czechoslovak citizens of German and Hungarian nationality who had not proven loyalty to the Czechoslovak Republic or had not participated in anti-fascist activities.<sup>4</sup> There were many such persons in Slovakia, although most of them had left Slovakia together with the German army before the passage of the front.<sup>5</sup>

A problem of retributive justice was also that it was applied in a different form in Slovakia and in a different form in the Czech lands. This was due to the fact that during the Slovak National Uprising, after August 29, 1939, separate Slovak bodies were created—the legislative Slovak National Council and the executive Board of Commissioners. Despite the restoration of the Czechoslovak Republic as a unified and unitary state after the war, the Slovak National Council and the Board of Commissioners remained in operation. Their laws and regulations issued during the war remained in force, and they continued to issue their own legislative acts even after the war. This caused problems that also affected post-war retributive legislation in Czechoslovakia.<sup>6</sup>

Although it was originally assumed that a unified retributive norm would be applied in the restored Czechoslovak Republic, the situation developed differently. The Commission of the Slovak National Council for Justice began working on retributive legal norms shortly after the outbreak of the Slovak National Uprising. After the suppression of the uprising, work on the retributive norm ceased. It resumed only in February 1945, when Czechoslovak authorities began operating in liberated Košice. However, efforts to establish independent Slovak retributive justice encountered resistance from Czech political representation from the outset. They rejected it because they saw it as confirmation of Slovak national statehood, which they opposed and which was represented by the Slovak National Council. The latter, on the contrary, sought to adopt a separate Slovak retributive law even before the issuance of the Beneš presidential decrees. Ultimately, the Slovak National Council succeeded and

---

<sup>1</sup> JANAS, Karol: *Považské strojárne. Od Muničky po ZVL. Žilina* : Knižné centrum, 2009, p. 62.

<sup>2</sup> VARÍNSKY, Vladimír: *Tábory nútenej práce na Slovensku v rokoch 1941-1953*. Banská Bystrica: Fakulta humanistických vied UMB v Banskej Bystrici, 2004, p. 21.

<sup>3</sup> *The Chronicle of the Town of Považská Bystrica*, p. 275.

<sup>4</sup> MALATINSKÝ, Michal: *Pred súdom národa? Retribúcia na Slovensku a Národný súd v Bratislave 1945-1947*. Bratislava: Post Scriptum, 2019, p.42-43.

<sup>5</sup> JANAS, Karol: *Osem mesiacov obce a Zbrojovky*. In: MIČKO, Peter – ŠMIGEL, Michal – SYRNÝ, Marek a kol.: *V turbulentnom tridsaťročí. Kapitoly z dejín Slovenska v rokoch 1918-1948*, Krakov : Spolok Slovákov v Poľsku, 2013, p. 287.

<sup>6</sup> SYRNÝ, Marek. *Retribúcia ako mocensko-politický činiteľ v povojnovom Slovensku*. In: *Acta Historica Neosoliensia*, 2003, No. 26., p. 140-141.

adopted the retributive law at its first plenary session in Bratislava on May 15, 1945.<sup>1</sup> It entered into force upon publication on May 23, 1945. Initially, its validity was limited to one year, but it was later extended. Such extension had already been anticipated by the legislator in the original draft. Another significant change was that the issue of retribution ultimately became the exclusive competence of the Slovak National Council.<sup>2</sup> This occurred after the delimitation of powers between the Slovak National Council, the central government, and the president, confirmed in the First Prague Agreement of June 2, 1945, concluded between the Government of the Czechoslovak Republic and the Presidium of the Slovak National Council. Retribution also had an international dimension, as the Czechoslovak Republic committed itself to it through several international treaties.<sup>3</sup>

### **STRUCTURE OF RETRIBUTIVE JUSTICE**

The objectives of retributive justice were ultimately identical in both parts of the Czechoslovak Republic. The main task was the prosecution, trial, and punishment of crimes committed against the Czech and Slovak nations by German and Hungarian occupiers and domestic collaborators before and during the Second World War.<sup>4</sup> People's courts were established as extraordinary courts after the war and operated in the years 1945–1948. In the Czech lands, they were established on the basis of Presidential Decrees No. 16/1945 Coll. and No. 17/1945 Coll. In Slovakia, they operated under Regulation of the Slovak National Council No. 33/1945 Coll. of the Slovak National Council.<sup>5</sup>

On the basis of a regulation of the Slovak National Council, the National Court was established with its seat in Bratislava, and at a lower level district people's courts and local people's courts were set up. District and local people's courts tried all offenders, with the exception of those who were explicitly listed in Regulation No. 33/45 Coll. of the Slovak National Council Collection of Regulations as falling within the jurisdiction of the National Court.<sup>6</sup> District national committees had a significant influence on the activities of both district and local people's courts.<sup>7</sup> District people's courts were established in the seats of all districts, while local people's courts were originally intended to be established in every political municipality. However, this proved to be an overly ambitious goal. According to the latest research, as of February 1947, local people's courts had been established in only 8.5 percent of municipalities in Slovakia. A district people's court sat in panels composed of five members. The presiding judge and his deputy had to be professional judges. They were appointed and dismissed by the Commission of the Slovak National Council for Justice upon the proposal of the district national committee. Lay assessors were appointed by the district national committee from among laypersons with civilian occupations. However, lay assessors held the status of full judges. The prosecution before the district people's court was represented by a public accuser. The public accuser and his deputy were appointed, upon the proposal of the district national committee, by the Commission for Justice from among persons knowledgeable in law. In the exercise of his function, the public accuser was subordinate to the Presidium of the Slovak National Council.<sup>8</sup>

Local people's courts decided in panels composed of five to eleven members. In the case of a local people's court, the presiding judge was also appointed from among lay citizens and did not have to be a lawyer. The presiding judge and the public accuser at the local people's court were appointed and

<sup>1</sup> ILLÝROVÁ, Zuzana - MALATINSKÝ, Michal: Dva procesy s Vojtechom Tukom. Praha: Wolters Kluwer, 2017, p. 112-115.

<sup>2</sup> MALATINSKÝ, Michal: Pred súdom národa? Retribúcia na Slovensku a Národný súd v Bratislave 1945-1947. Bratislava: Post Scriptum, 2019, p. 46-48.

<sup>3</sup> RAŠLA, Anton: Ľudové sudy Československu po II. svetovej vojne ako forma mimoriadneho súdnictva. In: RAŠLA, Anton: Povedané – napísané. Banská Bystrica : Klub priateľov Múzea SNP pre Múzeum Slovenského národného povstania, 2021, p. 125-134.

<sup>4</sup> ILLÝROVÁ, Zuzana - MALATINSKÝ, Michal: Dva procesy s Vojtechom Tukom. Praha: Wolters Kluwer, 2017, p. 108.

<sup>5</sup> RAŠLA, Anton: Ľudové sudy na Slovensku po II. svetovej vojne ako forma mimoriadneho súdnictva. In: RAŠLA, Anton: Povedané - napísané. Banská Bystrica: Klub priateľov Múzea Slovenského národného povstania, 2021, p. 191.

<sup>6</sup> ILLÝROVÁ, Zuzana - MALATINSKÝ, Michal: Dva procesy s Vojtechom Tukom. Praha: Wolters Kluwer, 2017, p. 125.

<sup>7</sup> BIANCHI, Leonard: Úlohy národných výborov pri očiste od fašistov a kolaborantov ľudovými súdmi. In: Právny obzor. Roč. 53, 1970, No. 7, p. 621.

<sup>8</sup> MALATINSKÝ, Michal: Pred súdom národa? Retribúcia na Slovensku a Národný súd v Bratislave 1945-1947. Bratislava: Post Scriptum, 2019, p. 78 and 111.

dismissed by the district national committee. The courts had a lay character, and neither the presiding judge nor his deputy were required to be legally trained. Lay assessors were appointed by the district national committee upon the proposal of the local national committee. Supervision over the execution of sentences imposed by local people's courts was carried out by the public prosecutor at the district people's court of the relevant district. The selection of lay assessors was also influenced by politics. Their appointment was to respect the principle of proportional representation of political parties. Initially, this involved the Communist Party of Slovakia and the Democratic Party, and later also the Party of Labour and the Party of Freedom. If a political party failed to nominate its representative, a member of a resistance organization could be appointed as a lay assessor. A criminal complaint could be submitted to a people's court by any citizen, authority, or security body. Initially, people's courts could not conduct proceedings in the absence of the accused. Later, the Slovak National Council allowed proceedings in absentia under the conditions set out in the newly introduced Section 30a, which was incorporated into the retribution regulation. The accused could be represented by a defense counsel in proceedings before both district and local people's courts. However, in proceedings before a local people's court, the defense counsel could not be selected from among attorneys or judges.<sup>1</sup> The first district people's courts in Slovakia were established by 15 June 1945. These included the district people's courts in Bratislava, where three panels were created. Additional district people's courts with one panel each were established in Považská Bystrica, Senica, and Nitra.<sup>2</sup> Later, district people's courts were also established in other districts. During the years 1945–1947, together with local people's courts, they tried local inhabitants who had committed offenses during the Second World War.<sup>3</sup> And there were many of them. During the war, almost all prominent inhabitants of Slovak towns and villages were members of the Hlinka's Slovak People's Party and the Hlinka Guard.<sup>4</sup> The courts therefore had to carefully distinguish between those who joined these organizations out of conviction and committed crimes, and those who joined out of opportunism or merely to preserve their social standing within the community.<sup>5</sup>

District and local people's courts operated in accordance with the provisions of the applicable retribution legislation. The provisions of Regulation No. 33/45 Coll. of the Slovak National Council Collection were predominantly substantive in nature. Only the fundamental issues of proceedings and the organization of people's courts were defined in terms of procedural law. Procedural provisions were contained in the implementing regulation of the Board of Commissioners of the Slovak National Council No. 55/45 Coll. of 5 June 1945. According to this regulation, in cases assessed under Regulation No. 33/45 Coll. of the Slovak National Council and its implementing regulation No. 55/45 Coll., the Code of Criminal Procedure applied subsidiarily.<sup>6</sup> The perpetrators were defined as fascist occupiers, domestic traitors, collaborators, and offenders of the fascist regime. A specific feature of Slovakia was that different forms of collaboration were prosecuted depending on whether they occurred before or after the outbreak of the Slovak National Uprising. Until the outbreak of the uprising, the Slovak Republic, as an independent state, had been an ally of Germany. After the outbreak of the Slovak National Uprising, the Czechoslovak Republic was restored in the insurgent territory. The Slovak National Uprising was suppressed by the German army, and after its defeat, the German occupation forces, with the assistance of Slovak collaborators, began carrying out harsh

---

<sup>1</sup> MALATINSKÝ, Michal: *Pred súdom národa? Retribúcia na Slovensku a Národný súd v Bratislave 1945-1947*. Bratislava: Post Scriptum, 2019, p. 78-82. Later, an amendment to the Slovak National Council Regulation No. 57/1946 Coll. enabled the possibility of proceedings in absentia, under the conditions of the new Section 30a, which was inserted into the Retribution Regulation by this decree.

<sup>2</sup> MALATINSKÝ, Michal: *Pred súdom národa? Retribúcia na Slovensku a Národný súd v Bratislave 1945-1947*. Bratislava: Post Scriptum, 2019, p. 89.

<sup>3</sup> JANAS, Karol: *Mesto v tieni totalit I. (Považská Bystrica v rokoch 1938-1948)*. Trenčín: Trenčianska univerzita A. Dubčeka v Trenčíne, 2013, p. 58.

<sup>4</sup> JANAS, Karol: *K činnosti Slovenskej ľudovej strany v regióne na príklade Považskej Bystrice*. In: LETZ, Róbert – MULÍK, Peter – BARTLOVÁ, Alena: *Slovenská ľudová strana v dejinách 1905-1945*. Martin : Matica slovenská, 2006, p. 326-335.

<sup>5</sup> State Archive in Považská Bystrica, f. Notary Office in Považská Bystrica, box 47, u. n. 12114/1945.

<sup>6</sup> MALATINSKÝ, Michal: *Pred súdom národa? Retribúcia na Slovensku a Národný súd v Bratislave 1945-1947*. Bratislava: Post Scriptum, 2019, p. 83-87.

reprisals against participants of the uprising as well as against the civilian population located in the insurgent territory. This had a significant impact on the assessment of individual offenses.

### RETRIBUTIVE CRIMINAL OFFENCES

Retribution justice recognized five retributive criminal offences: the crime of fascist occupation, the crime of domestic treason, the crime of collaboration, the crime of treason against the Slovak National Uprising, and the misdemeanour of collaboration.<sup>1</sup> A problem was that the criteria for individual criminal offences were defined vaguely and imprecisely. This resulted in inconsistency in the activities of the people's courts.<sup>2</sup> The aim, however, was not to punish just anyone, but to prevent the real perpetrators from evading responsibility for the criminal acts committed.<sup>3</sup> The criminal offences were temporally delimited. On the one hand, the relevant period began with the time when events occurred at the borders of the Czechoslovak Republic and within its territory that threatened its internal integrity, freedom, independence, and republican-democratic system. The date set was 21 May 1938, when a state of military readiness was declared in Czechoslovakia. On the other hand, the period ended with the liberation of Slovakia by the Soviet Army.<sup>4</sup> From the perspective of territorial jurisdiction, the criminal offences could relate to the territory of the Slovak state, but also to foreign territory in cases where they were committed by members of the Slovak army operating or performing field service there. Retribution justice also applied to the territory of the Czechoslovak Republic that had been occupied by Horthy's Hungary or Nazi Germany, as well as anywhere in cases concerning crimes of domestic treason and fascist occupation.<sup>5</sup>

An interesting feature in defining the constituent elements of criminal offences was the emphasis placed on the perpetrator, focusing rather on the formal-legal designation of these offences. The perpetrators were to be fascist occupiers, domestic traitors, or collaborators. The objective aspect came to the forefront only in the case of the offence of treason against the uprising.<sup>6</sup> With regard to the crime of fascist occupation, it is important to emphasize that only foreign nationals were prosecuted for this offence, namely those who had contributed to the disintegration of the Czechoslovak Republic or to the destruction of its democratic state order. In contrast, the crime of domestic treason applied exclusively to Czechoslovak citizens, who could commit it anywhere if they engaged in fighting against the USSR and its allies, contributed to the disintegration of Czechoslovakia, to the abolition of its democratic order, or to the establishment of a fascist regime. This did not concern only military personnel; civilians who performed specific services for the army could also be prosecuted. However, only conduct defined as damaging the honour of the Slovak nation was prosecuted, including acts such as robbery, rape, murder, informing on local inhabitants, arson of dwellings, execution of hostages, abuse of prisoners, and maltreatment of the civilian population. These acts could be committed during the operations of the Slovak army in the Soviet Union and in Italy. The offence of collaboration could be committed by suspected persons within the territory of the Slovak Republic or in territories occupied by Germany or Hungary. The offence of

<sup>1</sup> BEŇA, Jozef: Vývoj slovenského právneho poriadku, Bratislava: Iris, 2002, p. 155-157.

<sup>2</sup> DAXNER, Ivan: Ľudáctvo pred národným súdom 1945-1947. Bratislava : SAV, 1961, p. 22. SYRNÝ, Marek. Retribúcia ako mocensko-politický činiteľ v povojnovom Slovensku. In: Acta Historica Neosoliensia, 2003, No. 26.pp. 140-141.

<sup>3</sup> ILLÝROVÁ, Zuzana - MALATINSKÝ, Michal: Dva procesy s Vojtechom Tukom. Praha: Wolters Kluwer, 2017, p. 117.

<sup>4</sup> RAŠLA, Anton: Ľudové sudy na Slovensku po II. svetovej vojne ako forma mimoriadneho súdництва. In: RAŠLA, Anton: Povedané - napísané. Banská Bystrica: Klub priateľov Múzea Slovenského národného povstania, 2021, p. 192. Michal Malatinský states, unlike Anton Rašla, that the end was not formally defined, which in practice caused many problems. See also MALATINSKÝ, Michal: Pred súdom národa? Retribúcia na Slovensku a Národný súd v Bratislave 1945-1947. Bratislava: Post Scriptum, 2019, p. 58 and 106. In his book, M. Malatinský writes that the end was determined only in the amendment to the retribution regulation by Slovak National Council Regulation No. 57/1946 Coll. of the Slovak National Council. It can also be added that another problem of the retribution regulation was the absence of a formal definition of the beginning of the "decisive period," which he considers a major difference compared to the Czech retribution decrees.

<sup>5</sup> RAŠLA, Anton: Ľudové sudy na Slovensku po II. svetovej vojne ako forma mimoriadneho súdництва. In: RAŠLA, Anton: Povedané - napísané. Banská Bystrica: Klub priateľov Múzea Slovenského národného povstania, 2021, p. 191-194.

<sup>6</sup> ILLÝROVÁ, Zuzana - MALATINSKÝ, Michal: Dva procesy s Vojtechom Tukom. Praha: Wolters Kluwer, 2017, p. 118.

treason against the uprising could be committed exclusively within the territory of the Slovak Republic if the perpetrator obstructed resistance against traitors and occupiers. It was also committed by those who participated in the suppression of the Slovak National Uprising, in anti-partisan operations, or in the persecution of members of the resistance. Prosecution also extended to those who took part in obstructing the preparations for the Slovak National Uprising or the participation of military units in it. The misdemeanour of collaboration at the local level could be committed within the territory of the Slovak Republic or in territories occupied by Germany or Hungary.<sup>1</sup>

The implementing regulation of Regulations of the Board of Commissioners No. 55/45 Coll. of the Slovak National Council granted the court discretion in determining the sentence. For the first, second, and fourth offences, absolute penalties could be imposed, namely the death penalty. In such cases, the court was to decide whether the sentence would be carried out by hanging or by shooting. However, even in these cases, sentencing discretion was interpreted broadly, and death sentences were not particularly common. It was also possible to waive punishment in cases falling under points three and five. Ancillary penalties included the loss of civil rights and confiscation of property. Deprivation of civil rights for a period of two to fifteen years could also be imposed as the principal penalty in the case of offence number five, namely the misdemeanour of collaboration. Prosecution primarily concerned persons who had reached the age of eighteen at the time the offence was committed. However, persons aged between twelve and eighteen at the time of the offence could also be prosecuted, provided that the court considered them to be sufficiently mentally and morally mature. Judgments, however, were to be delivered only against persons who had already reached the age of eighteen at the time the offence was committed. The offences were not subject to statutory limitation. Nevertheless, it was possible to mitigate the sentence or replace the principal penalty with an ancillary one if the offender, through subsequent conduct, had contributed to saving Slovak lives or had participated in the Slovak National Uprising.<sup>2</sup> All offences listed under points one to four fell within the jurisdiction of the district people's court, while offences under point five fell within the jurisdiction of the local people's court. In the case of local people's courts, these typically concerned minor representatives of the regime and collaborators, and more lenient penalties were imposed. Local people's courts were authorized to impose penalties such as assignment to a labour camp for a maximum of two years, deprivation of civil rights for a period of two to fifteen years, or a public reprimand.<sup>3</sup>

## **CONCLUSION**

Retribution proceedings consisted of four stages. The first was the investigative stage, the second the indictment stage, the third the proceedings before the court, and the fourth the enforcement stage. During the investigative stage, evidence was to be gathered, suspects questioned, and, where appropriate, the accused detained. After examining a criminal complaint, the public prosecutor decided whether to refer the matter to another court or authority if it did not fall within the jurisdiction of the competent people's court before which he operated. He could initiate an investigation or file an indictment if the matter was clear. He also had the authority to refuse prosecution if he was of the opinion that there were no grounds for it. Such a decision, however, had to be approved by the competent people's court in a closed session. The decision of the people's court was binding on the accuser. The indictment was to be filed within eight days of receipt of the criminal complaint, unless

---

<sup>1</sup> MALATINSKÝ, Michal: *Pred súdom národa? Retribúcia na Slovensku a Národný súd v Bratislave 1945-1947*. Bratislava: Post Scriptum, 2019, p. 53.

<sup>2</sup> RAŠLA, Anton: *Eudové súdy na Slovensku po II. svetovej vojne ako forma mimoriadneho súdництва*. In: RAŠLA, Anton: *Povedané - napísané*. Banská Bystrica: Klub priateľov Múzea Slovenského národného povstania, 2021, p. 196-200. At the level of the National Court, it functioned in such a way that if, in cases of conviction for the crimes of fascist occupation, domestic treason, or treason against the uprising—offences for which the retribution decree provided no punishment other than the death penalty—the death sentence was not imposed, it was always because the National Court simultaneously applied the institute of mitigation of punishment under Section 6 of the retribution decree. A thorough, in-depth examination of how this issue was handled at the level of district people's courts has not yet been carried out. Such research would require a detailed analysis of the activities of individual district people's courts, which remains a task for Slovak historiography in the future.

<sup>3</sup> MALATINSKÝ, Michal: *Pred súdom národa? Retribúcia na Slovensku a Národný súd v Bratislave 1945-1947*. Bratislava: Post Scriptum, 2019, p. 64.

the prosecutor decided otherwise. The presiding judge was required to schedule the main hearing within fourteen days of the filing of the indictment. Decisions on guilt and punishment were made by voting, with the presiding judge voting last. No appeal was permitted against the judgment. Only an extraordinary remedy was permitted if the judgment affected the criminal act of another person, if serious evidence or facts emerged, if an incompetent court had decided, or if a conviction was issued in proceedings conducted in the absence of the accused. This possibility applied only after the amendment introduced by Regulation of the Slovak National Council No. 57/1946 Coll. of the Slovak National Council. Prior to that, no remedy, neither ordinary nor extraordinary, was admissible. An extraordinary remedy could be filed by the Office of the Public Prosecutor at the National Court both in favour of and against the accused, as well as by the accused or their defence counsel. The extraordinary remedy was decided upon by the National Court. The execution of the sentence was carried out by the competent public prosecution office and the relevant national committee. In cases involving confiscation of property, judgments were also forwarded to the competent commissions. A public reprimand was carried out immediately after the hearing by publicly announcing the conviction.<sup>1</sup>

## **REFERENCES:**

- BELÁS, Milan: *Židia v Považskej Bystrici*. Považská Bystrica : Creo plus, 2015.
- BEŇA, Jozef: *Vývoj slovenského právneho poriadku*, Bratislava: Iris, 2002.
- BIANCHI, Leonard: Úlohy národných výborov pri očiste od fašistov a kolaborantov ľudovými súdmi. In: *Právny obzor*. Roč. 53, 1970, No. 7.
- DAXNER, Ivan: *Ľudáctvo pred národným súdom 1945-1947*. Bratislava : SAV, 1961, p. 22.
- ILLÝROVÁ, Zuzana - MALATINSKÝ, Michal: *Dva procesy s Vojtechom Tukom*. Praha: Wolters Kluwer, 2017.
- JANAS, Karol: K činnosti Slovenskej ľudovej strany v regióne na príklade Považskej Bystrice. In: LETZ, Róbert – MULÍK, Peter – BARTLOVÁ, Alena: *Slovenská ľudová strana v dejinách 1905-1945*. Martin : Matica slovenská, 2006.
- JANAS, Karol: *Mesto v tieni totalít I. (Považská Bystrica v rokoch 1938-1948)*. Trenčín: Trenčianska univerzita A. Dubčeka v Trenčíne, 2013.
- JANAS, Karol: Osem mesiacov obce a Zbrojovky. In: MIČKO, Peter – ŠMIGEL, Michal – SYRNÝ, Marek a kol.: *V turbulentnom tridsaťročí. Kapitoly z dejín Slovenska v rokoch 1918-1948*, Krakov : Spolok Slovákov v Poľsku, 2013.
- JANAS, Karol: *Považské strojárne. Od Muničky po ZVL*. Žilina : Knižné centrum, 2009.
- MALATINSKÝ, Michal: *Pred súdom národa? Retribúcia na Slovensku a Národný súd v Bratislave 1945-1947*. Bratislava: Post Scriptum, 2019.
- RAŠLA, Anton: Ľudové sudy na Slovensku po II. svetovej vojne ako forma mimoriadneho súdництва. In: RAŠLA, Anton: *Povedané - napísané*. Banská Bystrica: Klub priateľov Múzea Slovenského národného povstania, 2021.
- State Archive in Považská Bystrica, f. Notary Office in Považská Bystrica, box 47, u. n. 12114/1945.
- SYRNÝ, Marek. Retribúcia ako mocensko-politický činiteľ v povojnovom Slovensku. In: *Acta Historica Neosoliensia*, 2003, No. 26.
- The Chronicle of the Town of Považská Bystrica.
- VARÍNSKY, Vladimír: *Tábory nútej práce na Slovensku v rokoch 1941-1953*. Banská Bystrica: Fakulta humanistických vied UMB v Banskej Bystrici, 2004.

**Copyright©JANAS Karol, 2026.**

## **Contacts/ Contacte/ Контакты:**

### **JANAS Karol.**

Doctor in Political Sciences, Associate Professor,

---

<sup>1</sup> RAŠLA, Anton: Ľudové sudy na Slovensku po II. svetovej vojne ako forma mimoriadneho súdництва. In: RAŠLA, Anton: *Povedané - napísané*. Banská Bystrica: Klub priateľov Múzea Slovenského národného povstania, 2021, p. 210-223.  
**RMDIRI, 2026, Nr. 2 (Vol. 22)** <https://rmdir.md/> ; <https://www.usem.md/md/p/rmdir> **107**

Head of the Department Politologie of the  
Trenčianska Univerzita Alexandra Dubčeka v Trenčíne,  
Member of the Parliament of The Slovak Republic  
Trencin, The Slovak Republic.

**E-mail:** [karol.janas@tnuni.sk](mailto:karol.janas@tnuni.sk)

<https://orcid.org/0000-0002-9169-775X>

<https://doi.org/10.61753/1857-1999/2345-1963/2026.22-2.07>

Scopus Author ID:

<https://www.scopus.com/authid/detail.uri?authorId=56955276300>

Web of Science ResearcherID: FCX-4083 56955276300 2022