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Legal Regulation of Unpaid Work in the Slovak Republic?

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Abstract: The article explores the legal dimension of unpaid work, particularly within the context of Slovak households, where this form of labor remains largely invisible to formal legal regulation. Unpaid work is approached as a multidimensional phenomenon, with the analysis situated within the normative framework of the Slovak Republic. The aim is to identify whether existing legislation—especially in the field of family law—can be considered an adequate legal regulation of unpaid household labor. The research is based on the methods of abstraction, legal analysis and normative evaluation (de lege ferenda). The findings reveal that the current regulation is minimal, vague, and lacks enforceability. While the introduction of binding legal standards might improve clarity, it also risks undermining the private-law character of family relations. The article concludes by reflecting on the normative limits and feasibility of more precise legal intervention in this area.

Keywords: family law, household, legal regulation, unpaid work.

JEL classification: K31, K36, K39

Introduction

Unpaid work represents a multidimensional phenomenon that intersects legal, economic, social, and gender domains, thereby constituting a cross-cutting area of interest for multiple academic disciplines. Although the foundational analytical frameworks for studying unpaid work have primarily emerged within economic theory—despite its predominant focus on paid employment (Martinkovičová & Kika 2015)—this disciplinary pattern has been similarly adopted by legal scholarship. Within the legal domain, the primary focus continues to rest on paid work, which is subject to labour law regulation aimed at ensuring minimum standards governing the employment relationship between employee and employer. In the Slovak legal system, labour relations are primarily governed by Act No. 311/2001 Coll., the Labour Code, as amended (hereinafter referred to as the "Labour Code"). Despite its central role in employment regulation, the Labour Code does not provide a legal definition of the concept of *paid work*. The same applies, even more markedly, to the concept of *unpaid work*, which remains legally undefined and largely overlooked within the framework of labour law. It is precisely this conceptual and regulatory gap that the present article seeks to address.

The principal motivation for examining the legal aspects of unpaid work arises from the author's participation in the VEGA research project entitled *"Management of Slovak Households and Decision-Making on Unpaid Work in the Post-Covid Economy."* This project responds to the evolving socio-economic conditions of households in the aftermath of the COVID-19 pandemic, which has significantly impacted not only the paid labour market but also the structure and volume of unpaid work performed within households.

This article specifically focuses on the legal dimension of unpaid domestic work, operating on the premise that the law permeates all spheres of social life, including those traditionally perceived as private or extra-legal. Although unpaid work is predominantly carried out within households and remains beyond the formal reach of labour law, it is by no means legally

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irrelevant. Indeed, its normative, social, and economic implications merit scholarly attention, particularly in light of its increasing visibility in contemporary debates on labour, care, and gender equality.

The core objective of this article is to identify and analyse the existing legal framework governing unpaid work in the Slovak Republic, with particular emphasis on its manifestation within the domestic sphere. The research further aims to assess whether the current legal regulation can be considered sufficiently robust to qualify as a relevant legal framework for unpaid work. Based on the findings, the article considers the potential necessity for further clarification or legislative supplementation.

In pursuit of this objective, the article is structured in a manner that reflects the logical progression of the research inquiry: it begins with an overview of the theoretical underpinnings of unpaid work, followed by a delineation of the methodological tools employed in the legal analysis. The final section is devoted to a critical discussion of the findings, which synthesises the results of the legal examination and contextualises them within broader socio-legal discourse.

1 Theoretical Framework

As mentioned above, neither the concept of *paid work* nor *unpaid work* is explicitly defined or regulated in Slovak legislation. Work for which remuneration is provided is referred to in the Labour Code as *dependent work*, which represents the core legal term in this field. According to § 1, paragraph 2 of the Labour Code, *dependent work* is characterized as work performed in a relation of the employer's superiority and the employee's subordination, in which the employee performs work personally for the employer, pursuant to the employer's instructions, in the employer's name, and during working time set by the employer. Although this definition does not explicitly mention remuneration, one of the fundamental principles of Slovak labour law is that employees must be compensated for work performed for their employers. Similarly, the basic principles enshrined in the Labour Code stipulate that employees shall have the right to a wage and employers shall be obliged to provide the wage, which reflects the correlative relationship between employees' rights and employers' obligations. Legal scholars Barancová and Schronk have also argued that work performed under an employment relationship must be remunerated. The compensatory nature of employment is one of the essential features of the employment relationship as a contractual obligation governed by the principle of reciprocity (Barancová & Schronk 2007). Thus, although compensation is not formally listed among the defining features of dependent work, this does not imply that dependent work may be unpaid. If an activity meets the legal characteristics of dependent work, the employer is obliged to agree upon a wage or remuneration. The absence of such an agreement does not mean that the activity is not classified as dependent work; rather, it constitutes a violation of the Labour Code (Švec, Toman et al. 2019). In contrast, *unpaid work* has attracted significantly less attention and remains both legally undefined and conceptually unanchored within Slovak legal doctrine.

The meaning of unpaid work can only be inferred from the substance and content of individual legal institutes across various branches of law. The most apparent example is *volunteering*, which is generally understood as the performance of an activity by an individual based on free will and without any expectation of compensation. In Slovak law, the concept of volunteering is explicitly recognized and defined by Act No. 406/2011 Coll. on Volunteering, as amended (hereinafter "the Volunteering Act"). According to § 2, paragraph 1 of the Volunteering Act, a volunteer is a natural person who, based on their free will and without entitlement to remuneration, performs volunteer activities for another person with that person's consent.

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These activities must be based on the volunteer's skills, knowledge, or abilities and must meet the conditions of the law. Moreover, the volunteer work must be carried out outside of the person's work, service, or academic obligations as stipulated by law, employment contract, service agreement, academic regulations, or another legally binding document. Furthermore, it must not be performed for an entity or official of a legal person with whom the individual is employed or enrolled as a student, nor as part of their business or self-employed activity.

A second example of unpaid work is *community service as a criminal sanction*, which falls within the domain of criminal law. This type of punishment is relatively new in the Slovak criminal justice system. In accordance with the principle of depenalization, it provides an alternative form of sanction, particularly suitable for offenders for whom the imposition of more severe penalties would constitute a disproportionate infringement on rights given the nature of the offence (Čentéš et al. 2015). In this case, the individual performs unpaid work not as an expression of free will, but as a consequence of a criminal act, for which they have been convicted by an independent court. The obligation to perform this work and its uncompensated nature are codified both in Act No. 300/2005 Coll., the Criminal Code (as amended), and in Act No. 528/2005 Coll. on the Execution of Community Service Sentences and on the Amendment of Act No. 5/2004 Coll. on Employment Services (as amended) (hereinafter "the Community Service Execution Act"). According to § 2, paragraph 3 of the latter act, a person sentenced to community service must perform the work personally and in their free time, without entitlement to remuneration, for a minimum of 20 hours per calendar month (or 15 hours in the case of juveniles). The work must benefit an organization that does not operate for profit, thus ensuring that the activity serves a public or community purpose. The essence of the sentence lies in allowing the offender to atone for their actions through socially beneficial work. The punitive character is reflected in the impact on the offender's personal time and in the fact that the work is carried out without financial reward (Madliak et al. 2015).

A final example of unpaid work—one that is far more ambiguous in its legal treatment—is *unpaid domestic labour*. Compared to the two previously discussed forms, unpaid household work is significantly less regulated and lacks precise legal categorization. It is precisely this form of unpaid labour and its (non-)regulation under Slovak law that constitutes the primary focus of the present article. The issue of unpaid work has been addressed to a greater extent in the fields of economics and sociology. This topic has attracted the attention not only of international scholars but also of Slovak authors, particularly with regard to the conceptual definition of unpaid work, decision-making processes related to it, its performance through the lens of gender, and other nuances associated with its execution.

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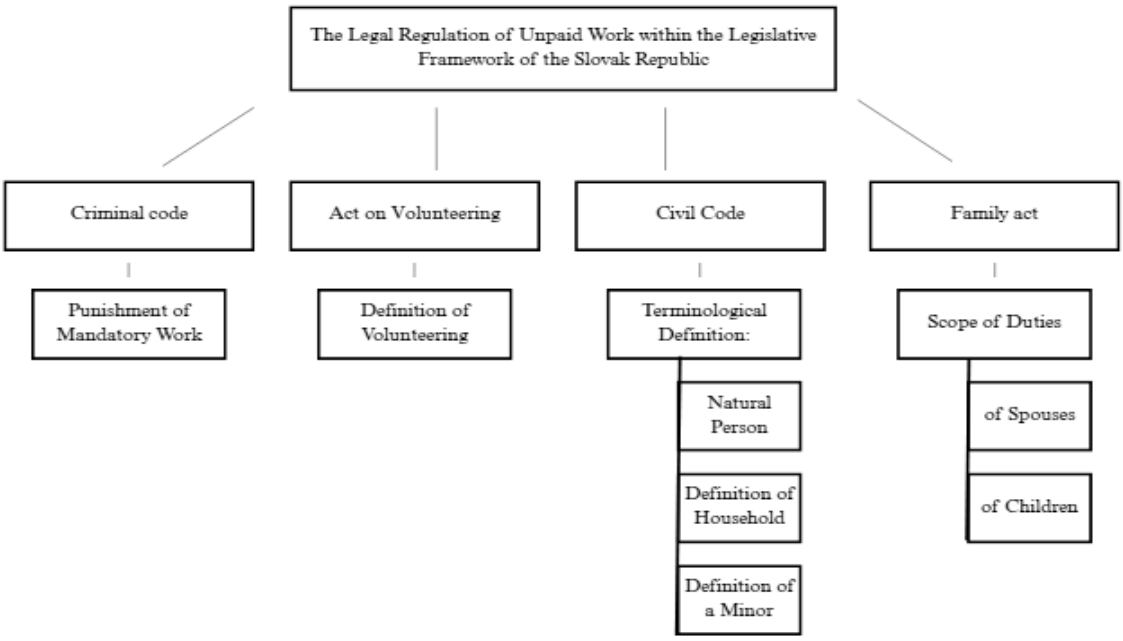
Figure 1: Diagram of the Legal Framework Governing Unpaid Work in the Slovak Republic



Source: Elaborated by the author

Kika and Martinkovičová (2015) describe unpaid work as one of the distinct and undeniable forms of labour, characterized by the absence of financial remuneration for the person performing it. Similarly, Picchi (2003) considers unpaid work to encompass all activities aimed at maintaining one's living environment, managing interpersonal relationships, and the purchase and transformation of commodities for household use, as a supplement to public goods. She further includes the care of other individuals as an integral component of unpaid work.

From a gender perspective, the issue of unpaid labour is addressed by Kaščáková in her work *Gender inequality in the conditions of unpaid work in Slovak households*, as well as by Shelton in *Gender and Unpaid Work* (1999) according to whom research on gender and unpaid work focuses on housework, although there are at least two other types of unpaid labor that warrant attention a to childcare and volunteer work.. Shelton separates housework and childcare, noting that some aspects of childcare—such as helping children with homework—are not included in standard definitions of housework, although they represent significant time investments. Seedat and Rondon (2021) also approach the issue from a gendered perspective in their article *Women's wellbeing and the burden of unpaid work*, in which they examine the mental health and quality of life impacts of unpaid work carried out by women. According to the authors, "Women have historically shouldered a disproportionate burden of unpaid domestic and caregiving responsibilities. The response to the COVID-19 pandemic has further widened this inequality, highlighting the increasing load of unpaid care work falling on women. This unequal burden may partly explain the higher risk of depressive and anxiety symptoms observed among women."

In the Slovak context, Kaščáková and Martinkovičová analysed the influence of attitudes and motivations regarding unpaid work in households on the use of market substitutes. Additional insights into the specifics of unpaid work in Slovakia were offered by Huňady, Grega, and Orviská (2016) in their article *Unpaid work as a factor of individual well-being and its specifics*

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in Slovakia, and by Považanová, Vallušová, Uramová, and Kaščáková in *Assigning monetary values to unpaid work in Slovakia*.

From the perspective of household management, unpaid work is explored by Kollár and Mazúrová (2024) in their article *Are Households in Slovakia (Well) Managed?*, where the authors argue that both self-management and the management of the household as a whole play a crucial role in shaping the direction of one's life. In order to effectively address various situations, tasks, and both short- and long-term goals within the household, members must understand and apply the principles of management.

From a legal perspective, however, the concept of unpaid work remains largely underdeveloped, both in terms of its definition and its legal interpretation. In the case of unpaid domestic work, it is particularly problematic to derive legal conclusions from existing literature, given the minimal legislative treatment of the issue. When attempting to deconstruct the notion of unpaid domestic work based on definitions from other academic disciplines, attention may be drawn to two legal acts: Act No. 40/1964 Coll., the Civil Code (as amended, hereinafter referred to as the "Civil Code"), and Act No. 36/2005 Coll. on the Family (as amended, hereinafter referred to as the "Family Act"). The Civil Code, in its first part, Chapter Nine, defines the term *household* as well as *close persons*, which are central to interpreting the legal implications of unpaid work within family and household settings.

The Family Act does not explicitly regulate the concept of unpaid work. However, it does address issues that may be associated with, or subsumed under, the notion of unpaid labour. This particularly concerns the delineation of rights and obligations between spouses, who are presumed by law to cohabit, as well as the rights and obligations of minor children residing in the household with their parents. This area is primarily covered in legal literature of a textbook nature and in commentaries on the Family Act. An example of such a source, which touches upon the issue only very briefly, is *Repetitórium rodinného práva* by Luprichová and Poláčková, whose scope largely mirrors the provisions of the Act itself. A somewhat more detailed treatment of the rights and duties of spouses, or of minors, can be found in commentaries by authors such as Bános, Pavelková, or in the collective works of Horváth and Varga.Jurisprudence in this particular area of legal inquiry is, it must be noted, virtually non-existent. It can therefore be concluded that the issue of unpaid domestic work has no rearepresentation or developed interpretation within the Slovak legal environment.

2 Methodology

The methodology employed in this article is grounded in the specificities of legal science and reflects the nature of the issue under investigation—namely, the legal regulation of unpaid work performed within households. Given that legal scholarship operates primarily with normative texts in the form of binding legal acts, the core of the research lies in a detailed analysis of the current legal framework of the Slovak Republic, with particular emphasis on the provisions of the Family Act (*Zákon o rodine*).

This analytical process involved the identification and examination of legal provisions that directly or indirectly pertain to unpaid domestic work, with the aim of determining whether, and to what extent, these norms fulfill a regulatory function in this domain.

In addition to doctrinal legal analysis, the research applies the method of abstraction, a particularly suitable approach in legal scholarship. Through abstraction, essential legal

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characteristics and relationships were distilled from the analysed legal norms, contributing to the identification of conceptually relevant elements for the topic under examination.

The article also employs descriptive systematisation, offering a structured account of the existing legal regulation and capturing the current state of affairs regarding the normative treatment of unpaid household work.

In the final phase of the research, a normative (de lege ferenda) method was applied to assess the adequacy of the existing legal framework for effectively regulating unpaid work in households. Where the current regulation was found to be insufficient or overly vague, the article considers potential legislative amendments that may enhance clarity or legal certainty without compromising the private and autonomous character of family life.

Overall, the research design corresponds with the theoretical-legal nature of the subject matter and is tailored to the article's overarching objective: to identify, analyse, and critically evaluate the legal treatment of unpaid domestic work within the Slovak legal system.

3 Discussion

As indicated in the preceding sections, the primary subject of this inquiry is the Slovak Family Act (*Zákon o rodine*). While the Act repeatedly refers to the term *family*, it does not provide a precise legal definition thereof. Instead, it defines *marriage* as a union between a man and a woman. This unique union is, according to the Act, to be comprehensively protected by society and supported for its well-being. The principal purpose of marriage is defined as the establishment of a family and the proper upbringing of children. The Family Act further regards the family formed through marriage as a fundamental unit of society, yet it simultaneously extends legal protection to other forms of families, including those not founded on marriage.

It must first be emphasized that the statutory definition of marriage implies monogamy, as the law clearly defines it as a union between *a* man and *a* woman. From the number of persons involved, it follows that marriage may only be entered into by one man and one woman. Polygamy (bigamy) is sanctioned both at the level of private law—by rendering the subsequently contracted marriage null and void—and at the level of criminal law, as a criminal offence under the Slovak Criminal Code (Pavelková 2011).

From a terminological standpoint, it is important to distinguish between *marriage* and *family*, as the two are not synonymous. A family may exist even where the parents of a child cohabit without being married, or where a child lives with only one parent (Luprichová & Poláčková 2016). It is, however, necessary to distinguish cases in which two individuals cohabit in a shared household without having children. Relationships between unmarried partners (i.e., cohabiting couples) do not fall under the scope of family law, despite the fact that certain rights and obligations may arise from such relationships. These are nevertheless not considered family law relations in the legal sense (Luprichová & Poláčková 2016).

The term *household* is not defined by the Family Act but rather by the Civil Code, specifically in § 115. According to this provision, a household consists of natural persons who live together on a long-term basis and jointly cover the costs of their needs. The concept of a household refers to cohabitation by multiple persons. A household, as defined in § 115, does not possess legal personality (Lazar et al. 2014). The Civil Code does not specify the composition of the household, which means that it may consist of two persons of the same sex or age, or even a multigenerational family structure. Although the size of the household is not legally limited, it

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is naturally constrained by practical factors, such as the spatial capacity and other conditions necessary for cohabitation. The law implies that a household must consist of at least two persons, as indicated by the use of the plural and the requirement that they live together and share expenses.

As previously mentioned, a household may include multiple generations, which also implies the cohabitation of minor children. The household thus also comprises persons who do not contribute financially—such as minors—whose living expenses are nonetheless covered through the pooled resources of other household members (Lazar et al. 2014). It is also important to note that the Civil Code does not define a household in spatial terms and does not associate the concept with a specific immovable property.

In § 116, the Civil Code defines *close persons* as relatives in the direct line, siblings, and spouses. Other individuals in a family or similar relationship are also considered close if one would reasonably feel harm suffered by the other as their own.

It is therefore evident that the concepts of *family*, *marriage*, *household*, and *close person* may overlap, but they are not legally interchangeable. For example, a household does not necessarily consist of individuals bound by family-law relationships. Two cohabiting same-sex partners without children may form a household, yet they cannot enter into marriage under the current legal framework, which only recognizes heterosexual unions. Likewise, *close persons* may not live in the same household and may not constitute a *family* within the meaning of family law.

When defining the terminological framework, it is also important to consider the concepts of *minor* and *adult* children. First and foremost, the adjective *minor* must be defined and contrasted with the concept of *majority* (legal adulthood). This issue is addressed by the Slovak Civil Code in § 8. Paragraph 1 of this provision stipulates that the legal capacity of a natural person to acquire rights and assume obligations through their own legal acts arises in full upon attaining majority. Paragraph 2 further provides that majority is attained upon reaching the age of eighteen. Prior to this, majority may only be acquired through marriage, and such majority is retained even after the dissolution or annulment of the marriage.Section 9 of the Civil Code is also significant in this context, as it states that minors possess the legal capacity to perform only those legal acts that are appropriate to their intellectual and volitional maturity, corresponding to their age. This means that minors may, within certain limits, carry out legal acts that relate to unpaid domestic work—for example, purchasing groceries—which in legal terms constitutes the conclusion of an oral purchase agreement. It should also be noted that the Civil Code does not use the term *child* (*dieťa*), or its plural *children*, but rather refers generally to *natural persons*, or constructs the noun *minors* from the adjectival form, denoting those who have not yet reached the age of eighteen.

On the other hand, the term *child* is not explicitly defined in the Family Act. For definitional purposes, reference may be made to the United Nations *Convention on the Rights of the Child*, adopted by the General Assembly on 20 November 1989, which defines a child in Article 1 as *"every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier."* It is thus reasonable to equate the term *minor* in the Civil Code with the term *child*, based on the shared age threshold.

Upon close examination of the Family Act, three provisions emerge as particularly relevant to the subject of this study. The first is Article 4 of the General Principles of the Act, which states that all family members have a duty to assist one another and, according to their abilities and

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resources, to contribute to the material and cultural development of the family. Parents have the right to raise their children in accordance with their own religious and philosophical convictions and the duty to provide the family with a peaceful and secure environment. Parental rights and responsibilities are vested in both parents jointly.

A notable finding arising from a review of the available literature, particularly commentaries on the Act, is that most authors either do not engage with the interpretation of these general principles at all, or merely restate the statutory text without further analysis. Article 4 expresses a legal—but non-enforceable—obligation of all family members, including minors, to provide mutual assistance. However, the content of this obligation is not further specified.

It is the author's view that this assistance should be interpreted not only as emotional or material support but also as help in carrying out everyday household tasks necessary for the functioning of family life—such as preparing meals, doing laundry, cleaning, or assisting with the preparation of minor children for school. It remains a question whether the obligation to contribute to the *material and cultural development of the family* can be subsumed under the concept of unpaid work. According to the author, it is necessary to examine the meanings of the terms *material* and *cultural*. The term *material* may be associated with tangible goods and thus with the provision of the family's material needs. This could more appropriately be categorized under *paid work*, regardless of whether the labour takes the form of dependent employment or another type of remunerated activity. The phrase *ensuring the cultural development of the family* is more ambiguous. As with other concepts in the Family Act, the legislation does not clarify or define what is meant by this expression, nor does it indicate what kinds of activities it encompasses. From the general understanding of *culture*, it is difficult to clearly establish a connection with unpaid work. However, from an extensive interpretative perspective, such a link is not entirely implausible. Crucially, the term *ensuring* implies active engagement within the household—labour that is typically uncompensated and which, in many cases, does not result in a tangible output. Therefore, such activities may fall within the conceptual scope of unpaid domestic work, especially when viewed through a functional and sociocultural lens. Secondly, it is necessary to address the question of what may be considered the *cultural level* of a family. In the author's view, this may include, for instance, the care and education of children—particularly in the field of culture—such as artistic education or accompanying children to institutions that provide cultural or educational enrichment. Furthermore, even the preparation of meals can contribute to a family's cultural development by fostering practices such as culturally appropriate dining etiquette, respectful behaviour, and interpersonal communication among household members. Another relevant legal provision addressing the organization of relationships within the household can be found in §§ 18 and 19 of the Family Act, under Chapter Three, titled *Relations Between Spouses*. The very title of this chapter makes it clear that it applies exclusively to married couples, and not to partners in cohabiting relationships, even if such partnerships are long-term and based in a shared household. This also excludes registered partnerships, as Slovak law currently does not recognize such a legal institution.

§ 18 broadly defines the mutual obligations of spouses but does not elaborate on them in further detail. According to this provision, spouses are equal in rights and obligations within the marriage. They are required to live together, be faithful, mutually respect each other's dignity, assist one another, jointly care for their children, and create a healthy family environment. Among these, three duties are particularly relevant to the concept of unpaid work: mutual assistance, shared care for children, and the creation of a healthy family environment. The obligation of *mutual assistance* can be understood in several ways. It may encompass

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psychological support, solidarity, and emotional aid. While this duty is not legally enforceable, its breach can result in serious disruption or permanent breakdown of the marital relationship (Horváth & Varga 2014). Mutual assistance may also manifest in the form of domestic cooperation—solving everyday issues, household management, and performing household chores—which can clearly be understood as unpaid labour. On the other hand, providing emotional or moral support in difficult life situations (e.g. work-related stress) does not qualify as unpaid domestic work in the legal sense.

The duty of *joint care for children* includes several elements of unpaid work. Childcare is not limited to emotional or spiritual dimensions but includes material aspects such as providing food, clothing, and preparing children for educational settings. These responsibilities involve activities such as grocery shopping, meal preparation, cooking, laundry, ironing, and helping with homework—all of which fall within the scope of unpaid domestic labour. Similarly, the obligation to *create a healthy family environment* presupposes the performance of unpaid tasks such as cleaning and maintaining a basic hygienic standard, so that children can develop in a supportive setting. However, this obligation does not automatically equate to unpaid work. It may also refer to ensuring an emotionally safe and non-toxic family atmosphere, free of psychological harm. § 19(1) of the Family Act is of particular significance for the purposes of this article. This provision makes clear that not every obligation or task within family life must be equally divided between spouses. It does not impose a mechanical equality or require both spouses to contribute identically. The law recognizes that *personal care for children and the household* constitutes fulfilment of the family's needs and is equivalent in value to the provision of financial resources (Horváth & Varga 2014).

Thus, the performance of paid work outside the home is not the sole form of fulfilling family responsibilities; unpaid care and domestic work are legally recognized as equal forms of contribution—even in situations where one spouse does not participate in the labour market during the marriage. This interpretation is supported by Bános (2015), who notes that although the law guarantees the equal status of spouses in meeting family needs, it does not require that those needs be met in equal portions. Nevertheless, it generally holds that although spouses are, in principle, bound by law to fulfil their obligations equally in qualitative terms, the actual extent of such fulfilment is influenced by both subjective factors (such as the spouses' personal abilities and capacities) and objective circumstances (notably their property conditions, particularly their earning capacities). When assessing the degree to which this obligation is fulfilled, the law, based on the principle of marital solidarity and the protection of the more vulnerable party—typically the spouse responsible for the care of the family and household—also takes into account childcare and the maintenance of the household. These tasks are frequently assumed, either partially or entirely, by one spouse, while the other contributes by providing material security through gainful employment. Pavelková (2011) similarly states that personal care for children and the family is valued equally to remunerated work.

Another relevant provision examined in this article is § 43(2) of the Family Act, which stipulates that children are obliged to show appropriate respect to their parents and to participate personally in meeting the common needs of the family, contributing to household expenses according to their abilities, capacities, and financial circumstances. This provision makes it clear that not only parents are responsible for meeting the family's needs—children too bear this responsibility, either through financial means or personal assistance. This obligation is referred to as *coadjutory duty* (koadjutórium), and the claim to such assistance is a personal right of the parents; it cannot be transferred to a third party and is not subject to the statute of limitations. The Family Act does not distinguish whether the child in question is a minor or of

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legal age. The key criteria for determining the obligation are cohabitation with the parents and the child's personal abilities, possibilities, and financial resources. These criteria must be assessed primarily in light of the child's age and cognitive maturity—that is, whether the child is capable of understanding the nature of the task, whether they are physically and mentally able to perform it, and whether they possess sufficient financial means to contribute to the household. These obligations are not cumulative and may not, in fact, be objectively enforceable. For instance, it would be unreasonable to expect an infant to participate in meeting the family's needs. However, an older, school-age child may perform light household tasks such as tidying, caring for younger siblings, preparing simple meals, or helping with garden work and pet care. Older children may also engage in remunerated work, thereby activating their financial resources and enabling them to contribute financially to the household. In terms of personal assistance, such contributions must always be proportionate to the child's age, abilities, and circumstances. Otherwise, parental expectations may be deemed abusive under § 38(4) of the Family Act, which allows for the restriction or removal of parental rights in cases of abuse (Pavelková 2011). In financial matters, it is important to distinguish between a child's *maintenance obligation* toward parents and contributions to *household expenses*. Contributions under § 43(2) are intended to cover general household costs, which also benefit the child (e.g. rent, utilities). Neither personal assistance nor financial contributions are strictly tied to cohabitation with parents. According to the explanatory memorandum to the Act, adult children may be legally compelled by their parents to fulfil this obligation via court proceedings (Horváth & Varga 2014).

In analysing the distribution of obligations within the household—whether within the primary marital relationship or the reciprocal relationship between parents and children—it is also necessary to address the issue of enforceability, which has already been briefly mentioned. For example, the obligation of mutual assistance between spouses is not judicially enforceable, except in matters of financial support through maintenance claims (Pavelková 2011). Bános (2015) reaches a similar conclusion, arguing that the personal rights and obligations of spouses arising from marriage are generally not subject to enforcement by state coercive measures, with the exception of property-related duties. Nevertheless, persistent and serious breaches of marital duties may lead to the breakdown of the marriage and eventual divorce, or may even give rise to civil or criminal liability (e.g. infringement of personality rights or criminal charges such as domestic abuse). The second level of enforceability relates to the enforcement of unpaid work by parents toward their children. According to the explanatory memorandum to the Family Act, it is important to distinguish whether the child is a minor or an adult. Parents may invoke their parental rights to compel a child to assist with household tasks, including the exercise of corrective or disciplinary rights (Illášová 2014). According to § 30(3) of the Family Act, *"* Parents have the right to use appropriate educational means in the upbringing of the child so that the health, dignity, mental, physical and emotional development of the child is not endangered." The law does not further define what constitutes educational means, but these can be understood as methods by which parents influence the child's development and ensure compliance with established family rules. The Act leaves the selection of such measures to the parents but limits their discretion through the principle of proportionality (Bános 2015). The key term here is *"appropriate"*. Educational measures must be suitable in light of the child's age, personality, emotional maturity, and physical development, and must be proportionate to the intended goal. A failure to meet the criterion of proportionality may be counterproductive and harm emotional bonds within the family. Moreover, such conduct may trigger legal sanctions under family, civil, or criminal law.

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Based on the foregoing, a key question arises: Is it legally feasible within the Slovak legal system to ensure the enforceability of unpaid domestic work among household members? When evaluating this question from the perspective of judicial enforceability, several variables must be considered—most notably, the nature of family relationships and the legal status of the individuals involved, particularly the age of children and the marital status of adult members. In the case of spouses and their mutual obligations, it may be concluded that although the law imposes a duty on both spouses to contribute to the functioning of the household (§ 18 of the Family Act), this obligation does not constitute a judicially enforceable legal claim. Its non-fulfilment cannot be directly sanctioned through legal compulsion. Similarly, in the case of minors (under the age of 18), their duty to participate in household tasks does not amount to a legally binding obligation enforceable by court order.

This leads to a fundamental scholarly conclusion: while unpaid domestic work may be perceived as a moral or social obligation, it is not legally enforceable in the sense of a classic contractual obligation under Slovak private law. Nevertheless, one cannot disregard the existence of non-legal (social and psychological) sanctions, which may arise as real consequences of refusal to participate in domestic responsibilities. Persistent or repeated neglect of shared household duties by one or more members may lead to the breakdown of emotional bonds, increased interpersonal tension, a sense of unfairness, and psychological overburdening of other family members. These effects often manifest in arguments, conflicts, alienation, or—at the extreme—disintegration of family cohesion. However, such phenomena lie outside the scope of legal regulation and cannot be subject to formal legal control.

With regard to children—especially minors—parents may apply various motivational or disciplinary methods as part of their parental authority. However, these are limited by the principles of respect for the child's personality and the requirement of proportionality. Their effectiveness thus depends more on the quality of parental authority, mutual communication, and the educational environment than on the potential for legal enforcement.

From the perspective of legal doctrine, it can therefore be concluded that unpaid domestic work operates within a legal grey area—regulated not by prescriptive legal norms but by strong social and moral expectations. While its performance or non-performance has significant social implications, its legal consequences remain limited. This characteristic is especially relevant when formulating public policy aimed at promoting a more equitable distribution of domestic responsibilities and recognizing the value of unpaid work within broader economic and social contexts.

This analysis raises the following essential question: *Does the current Slovak legal framework contain any explicit regulation concerning unpaid domestic work?* Based on a review of relevant legal sources, it must be stated that unpaid work carried out within the household is not expressly codified in Slovak positive law. There is no clear legal definition of the term, nor is there any direct normative anchoring of the concept in foundational legal statutes such as the Labour Code, the Civil Code, or the Family Act.

Nevertheless, certain legal provisions implicitly reflect unpaid domestic work through the formulation of family-related duties—particularly between spouses (§ 18 of the Family Act, which addresses cohabitation, mutual assistance, childcare, and household management) and between parents and children (e.g. the child's duty to contribute to the household according to their abilities). These provisions may *de lege lata* be subsumed under a broader interpretation

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of unpaid domestic labour, even though the legal system neither defines the term nor develops it systematically.

From the perspective of legal theory, it is therefore justified to employ a multidisciplinary approach when defining the concept of unpaid work—drawing on sociology, economics, gender studies, and feminist legal theory. These disciplines treat unpaid labour as a meaningful, albeit formally uncompensated, contribution to the functioning of society and the domestic economy. Based on this interdisciplinary understanding, one may reasonably argue *de lege ferenda* for the need to introduce a more precise normative framework within family law to formally recognize these obligations. Although such recognition would likely remain declaratory rather than enforceable, it could nevertheless contribute to the social acknowledgment of the value of unpaid work, particularly in the context of social policy reform or family counselling initiatives. At the same time, it is crucial to stress that codifying legally enforceable sanctions for failure to perform unpaid domestic work would represent a disproportionate interference with the autonomy of family relations, which are currently structured as horizontal, egalitarian legal relationships. Such a shift could lead to the undesirable formalization and legal instrumentalization of private and intimate aspects of family life, undermining both the principles of family law and the rule of legal certainty, as well as the prohibition of abuse of rights—for instance, through the opportunistic invocation of hypothetical legal claims.

Conclusion

The title of the article was deliberately formulated as a question, reflecting the analytical ambition to determine whether the legal regulation of unpaid work exists at all within the legislative framework of the Slovak Republic. The aim of the article was to identify and analyse the legal regulation of unpaid work in a broader context, with a focus on its normative foundation in Slovak legislation, particularly as it applies to domestic settings. Subsequently, the article sought to evaluate whether this regulation is sufficiently developed to be considered a relevant legal framework for unpaid work and, based on the findings, to consider the potential need for its refinement or supplementation.

On the basis of the legal analysis conducted, it may be concluded—according to the author's opinion—that the Slovak legal system does not explicitly define the concept of unpaid work. Unpaid domestic work is not expressly regulated by law; however, partial provisions exist that implicitly address it. The most significant references are found in the Family Act (*Zákon o rodine*), particularly in relation to the rights and obligations between spouses and between parents and children. Although these provisions suggest the existence of unpaid work, they neither define it in substantive or quantitative terms nor prescribe legal sanctions in the event of its non-performance. In this regard, the legal framework defers to the autonomy of the family, consistent with the private-law character of such relationships.

According to the author, the findings demonstrate that, although unpaid domestic work plays a crucial role in the everyday functioning of society, its legal recognition remains limited and fragmented. Duties such as the obligation of spouses to contribute to the household or of children to assist according to their abilities may serve as indicators of unpaid work, but not as components of a coherent legal regulation. The absence of legal enforceability further underscores the primarily ethical and social nature of these duties.

In light of the societal significance of unpaid domestic work, the author believes it would be appropriate to consider its explicit legislative definition. Such a step could enhance both societal

recognition of this form of labour and the analytical capacity to assess its scope and impact. However, this definition should not aim at legal enforceability, as such a move could constitute a disproportionate intrusion into the autonomy of the family as a private-law institution. Furthermore, the potential legal codification of claims arising from unpaid work could carry the risk of misuse, to the detriment of more vulnerable members of the household.

In view of the foregoing, although the legal regulation of unpaid work in Slovak law is vague and implicit, it may nevertheless be deemed adequate in light of the need to respect the private-law nature of family relationships and the sensitive nature of the subject matter. Any future extension of the legal framework should thus be primarily symbolic, not coercive, and must be carefully balanced to safeguard both the integrity of familial autonomy and the recognition of the societal value of unpaid domestic work.

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