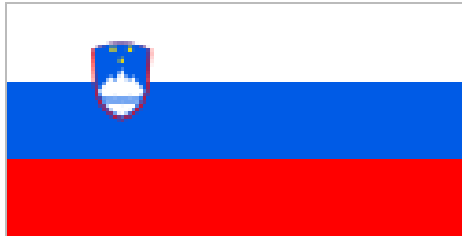


THE REPUBLIC OF SLOVENIA

(REPUBLIKA SLOVENIJA)



BACKGROUND AND LEGAL SYSTEM

LEGAL SYSTEM	Civil law system (court decisions have no formal value of precedent, excepting the rulings of the Constitutional Court, but in practice have de facto precedence)
POLITICAL SYSTEM	Parliamentary Democracy and Constitutional Republic
HEAD OF STATE	President
HEAD OF GOVERNMENT	Prime Minister
SUBNATIONAL ENTITIES	182 municipalities (<i>obcine</i> , singular - <i>obcina</i>) and 11 urban municipalities (<i>mestne obcine</i> , singular - <i>mestna obcina</i>)
SUBLOCAL ENTITIES	None.
TRANSLITERATION SYSTEM:	None.
LANGUAGES	Official: Slovenian 92%, (and Italian and Hungarian in certain ethnically mixed areas); Other: Serbo-Croatian 6.2%, other 1.8%

CONSTITUTION

OFFICIAL NAME	Ustava Republike Slovenije.
ENACTMENT	Constitution of the Republic of Slovenia, adopted 23 December 1991, effective 23 December 1991
CITATION FORMAT	SLOVENE CONST. art. <article>.
<i>Example</i>	SLOVENE CONST. art. 35.

STATUTES

GOVERNMENT STRUCTURE	<p>Bicameral* legislature (the Parliament), consisting of the ninety deputies of the Drzavni Zbor (National Assembly) and the forty council members of the Drzavni Svet (National Council)</p> <p>*Because the Drzavni Svet (National Council) has no direct legislative power the National Assembly effectively functions as a unicameral legislative body</p>
LEGISLATIVE PROCESS	<p>New bills are introduced into parliamentary procedure by members of the National Assembly or through a direct legal initiative of the citizens (which requires at least 5,000 signatures). Only the deputies of the National Assembly may vote on proposed legislation. The National Council functions, instead, as an advisory body composed of representatives from social, economic, professional, and local interests.</p>
REPORTER	Uradni list Republike Slovenije (The Official Gazette of the Republic of Slovenia)
CITATION FORMAT	No. <number> / <year>.
<i>Example</i>	No. 18/2005.

ADMINISTRATIVE REGULATIONS

ADMINISTRATIVE SOURCES	Slovenia currently has twelve ministries. Ministers issue rules to implement legislation or Constitutional Court decisions. A minister may act alone in issuing a new rule or in conjunction with other ministers where the proposed rule involves the jurisdiction of multiple ministries.
REPORTER	Uradni list Republike Slovenije (The Official Gazette of the Republic of Slovenia)
CITATION FORMAT	No. <number> /<year>.
<i>Example</i>	No. 78/2000. No. 71/2000.

CODES

CIVIL CODE	Also known as “The Code of Obligations.” No. 83/2001.
CODE OF CIVIL PROCEDURE	No. 26/1999.
COMMERCIAL CODE	No. 42/2006.
CRIMINAL CODE	No. 63/1994.
CODE OF CRIMINAL PROCEDURE	Same as the Criminal Code. No. 63/1994.
CITATION FORMAT	Official Gazette, No. <number> / <year>.
<i>Example</i>	Currently unavailable.

CASE LAW

**JUDICIAL
OVERVIEW****I. UNIFORM JUDICIAL SYSTEM****a. Courts of First Impression**

i. **Okrajno sodišče** (Local / County Court): are courts of the first instance and are vested with jurisdiction over less serious criminal cases; civil cases concerning claims for damages or property rights up to a certain value; all civil cases concerning disturbance of possession, easement of real burdens, hire, lease or tenancy relations; the legal obligation to maintenance if the disputes are not dealt with in conjunction with marriage disputes or disputes over the establishment or contestation of fatherhood; probate and other non-litigious matters; keeping of land registers; and civil enforcement. There are forty-four County Courts.

ii. **Okrožno sodišče** (District Court): are courts of the first instance as well. They are vested with jurisdiction over criminal and civil cases which exceed the jurisdiction of county courts; juvenile criminal cases; execution of criminal sentences; trial of, or consideration of the permission for, violations of human rights and fundamental freedoms; family disputes, excepting maintenance disputes; confirmation of rulings of a foreign court; commercial disputes; bankruptcy, forced settlements and liquidation; copyright and intellectual property cases; and keeping of the company register. There are eleven District Courts.

iii. **Delovno in socialno sodišče** (Labor and Social Security Court): are courts of first instance for the adjudication of social security disputes.

iv. **Delovno sodišče** (Labor Court): are courts of first instance for the adjudication of labor disputes.

b. Appellate Court

i. **Višje sodišče** (Higher Court): are courts of appellate jurisdiction. In addition to deciding on appeals from the county and district courts in their territories, they also determine disputes of jurisdiction between county and district courts.

ii. **Višje delovno in socialno sodišče** (Higher Court of Labor and Social Security): has jurisdiction over appeals from the Delovno in socialno sodišče (Labor and Social Security Court).

iii. **Upravno sodišče** (Administrative Court): Has jurisdiction over appeals from public administrative rulings.

c. **Vrhovno sodišče** (Supreme Court)

i. It functions primarily as a court of cassation. It is a court of appellate jurisdiction in criminal and civil cases, in commercial lawsuits, in cases of administrative review and in labor and social security disputes. It is the court of the third instance in almost all the cases within its jurisdiction. The grounds of appeal to the Supreme Court (defined as extraordinary legal remedies in Slovenian procedural laws) are therefore limited to issues of substantive law and to the most severe breaches of procedure.

II. USTAVNO SODIŠČE (CONSTITUTIONAL COURT)

a. The Ustavno sodišče is not a court of cessation and not part of the uniform judicial system. Complaints are made directly to the Ustavno sodišče, which decides on the following issues:

- conformity of the laws with the Constitution
- conformity of the laws and other regulations with ratified international treaties and the general principles of international law,
- conformity of local community regulations with the Constitution and laws,
- conformity of general acts issued for the exercise of public authority with the Constitution, the laws and non- statutory regulations,
- constitutional complaints regarding violations of human rights and basic freedoms with particular acts,
- disputes on competencies between the state and local communities, or between local communities

- disputes on competencies between the court and other state and other state bodies,
- disputes on competencies between the National Assembly, National Council, President of the Republic and government,
- responsibilities of the President of the Republic pursuant to Article 109 of the Constitution and responsibilities of the prime minister and ministers of state pursuant to Article 119 of the Constitution,
- unconstitutional acts and the activities of political parties,
- complaints in the confirmation of deputies procedure,
- other cases given to him by law.

Final Note: the **Računsko sodišče** (Court of Audit), which by its name would seem to be an adjudicative body, is instead a government auditor comparable to the U.S. Government Accountability Office.

REPORTER

Constitutional Court:

Uradni list Republike Slovenije (The Official Gazette of the Republic of Slovenia)

Odločbe in sklepi Ustavnega sodišča (Official Digest of the Constitutional Court)

Pravna Praksa (Legal Practice Journal)

Supreme Court:

Sodnikov informator (Judicial Bulletin); access to Sodnikov informator is generally limited to judges and their staff

Pravna mnenja (Legal Opinions); publishes semi-annual en banc decisions

CITATION FORMAT
(CONSTITUTIONAL
COURT)

<case type> - <case number> / <year>.

<i>Example</i>	Up-573/02. U-I-330/02.
CITATION FORMAT (SUPREME COURT)	VS<case number> - <day>.<month>.<year>.
<i>Example</i>	VS13339 - 11.12.1998. VS04442 - 23.12.1998.

SOURCES

Official Website of the Republic of Slovenia:

<http://www.gov.si/>

Administrative Regulations (Example from Ministry of the Environment)

<http://www.gov.si/mop/en/index.htm>

Ministries

<http://www.vlada.si/index.php?lng=eng&vie=cnt&grl=minZun>

Official Gazette of the Republic of Slovenia

<http://www.uradni-list.si/index.jsp>

European Forum of Official Gazettes

<http://forum.europa.eu.int/irc/opoce/ojf/info/data/prod/html/gaz1si.htm>

Supreme Court

<http://www.sodisce.si/eng/>

Constitutional Court

<http://www.us-rs.si/en/>

General Information on Political and Legal Structure

<http://www.loc.gov/law/guide/slovenia.html>

IV Legal Systems of the World: A Political, Social, and Cultural Encyclopedia,
1463-65 (Herbert M. Kritzer ed., 2002)

SPECIAL THANKS

Dr. Matjaž Nahtigal, S.J.D.

Advisor

Attorneys-at-Law Odvetniki Šelih & partnerji, o.p., d.n.o.

Matthew Kopp – Staff Member. Oct. 2006

Jonathan Burky – ICM Committee Member. Oct. 2006

Matthew T. Nagel – ICM Coordinator. Nov. 2006