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National legislation

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Slovenia

Slovenia



This page provides information on the legal system in Slovenia.

Sources of law

Types of legal instruments – description

Abstract legal norms in the legal system of the Republic of Slovenia are adopted at both the state and local level. The legal instruments at state level are the Constitution (*ustava*), laws/acts (*zakoni*) and implementing regulations, which fall into two main categories: decrees (*uredbe*, occasionally translated as regulations) and rules (*pravilniki*).

Local councils principally adopt ordinances (*odloki*).

The legal system in Slovenia does not recognise judicial precedence as a mandatory source of law, which means that lower-instance courts (*nižja sodišča*) are not formally bound by the decisions of higher-instance courts (*višja sodišča*). However, lower-instance courts tend to observe and follow the case law of higher-instance courts and the Supreme Court (*Vrhovno sodišče*).

The Supreme Court, sitting in a plenary session, may adopt legal opinions of principle (*načelna pravna mnenja*) on issues important to the uniform application of laws/acts. Under the Courts Act (*Zakon o sodiščih*), such legal opinions of principle are only binding on panels of the Supreme Court and may be changed only at a new plenary session. However, lower-instance courts tend to observe legal opinions of principle, and the Supreme Court, in its case law, demands that due consideration be given to a party quoting an already adopted legal opinion on the issue in question.

Laws/acts and other regulations must comply with generally accepted principles of international law, and treaties that are binding on Slovenia (as set out in Article 8 of the Constitution). Ratified and published international treaties must be applied directly. The position of the Slovenian Constitutional Court (*Ustavno sodišče*) is that international treaties rank above statutory provisions in the hierarchy of legal acts. Ratified international treaties are integrated into the national legal system, thereby creating rights and obligations for natural and legal persons in the country (provided they are directly enforceable).

The Slovenian legal system belongs to the continental legal family and is a civil law system, which means that common law is not, as such, a part of the legal system. However, common law enjoys some recognition by Slovenian law. For example, under Article 12 of the Obligations Code (*Obligacijski zakonik*), which regulates contracts between natural and legal persons, business customs, usages and practice established between parties are taken into consideration in the assessment of the action required and its effects on the obligatory relationships of commercial entities.

In exercising his or her judicial office, a judge is bound by the Constitution, laws/acts, general principles of international law and ratified and published international treaties. The Courts Act provides that, if a civil law matter cannot be solved on the basis of valid regulations, the judge must take into account the regulations that apply in similar cases. If, in spite of this, the solution to the matter remains legally doubtful, he or she must

make a decision based on the general principles of the national legal order. In this, he or she must act in accordance with the legal tradition and the established principles of jurisprudence. The judge must always act as if he or she has before him or her an indefinite number of cases of the same kind.

Hierarchy of norms

All legal norms must be in conformity with the Constitution. Laws/acts and other regulations must comply with generally accepted principles of international law, and treaties that are binding on Slovenia (as set out in Article 8(1) of the Constitution). Implementing regulations and local ordinances must, in addition, be in conformity with laws/acts.

General acts issued for the exercise of public authority (*splošni akti za izvrševanje javnih pooblastil*) must be in conformity with the Constitution, laws/acts and implementing regulations.

Individual acts and the actions of state authorities, local community authorities and bearers of public authority must be based on an adopted law/act or statutory regulation.

As to the primacy of law of the European Union, the Constitution provides the basis for the Slovenian legal system to accept its primacy, by stating that legal acts and decisions adopted within international organisations to which Slovenia has transferred the exercise of part of its sovereign rights (in this case, the European Union) must be applied in Slovenia in accordance with the legal regulation of these organisations.

Institutional framework

Institutions responsible for the adoption of norms

Laws/acts are adopted by the lower chamber of the Slovenian bicameral parliament, the National Assembly (*Državni zbor*). In line with Articles 80 and 81 of the Constitution, the National Assembly is composed of 90 deputies representing the citizens of Slovenia. Eighty-eight deputies are elected by universal, equal, direct and secret vote. One deputy of the Italian national community and one deputy of the Hungarian national community must always be elected to the National Assembly by the members of those communities. The National Assembly is elected for a term of four years.

Decrees are issued by the Government (*Vlada*), whereas rules are issued by individual ministers of the Government. In line with Articles 110–119 of the Constitution, the Government is composed of a Prime Minister (*predsednik vlade*) and ministers. Within the scope of their powers, the Government and individual ministers are independent and accountable to the National Assembly, which can impeach them (before the Constitutional Court), vote no confidence or terminate their office by way of interpellation. The Prime Minister is elected by the National Assembly, after which he or she proposes the ministers to be appointed (and dismissed) by the National Assembly.

The Constitutional Court plays a crucial role in the institutional framework, as it may annul laws/acts, implementing regulations and local ordinances it deems unconstitutional. It also issues opinions on the constitutionality of international treaties and decides on individual constitutional complaints of aggrieved citizens, which may be lodged after all other remedies have been exhausted.

Local ordinances are adopted by local councils (*občinski sveti, mestni sveti*), which are directly elected by residents of a municipality.

Decision-making process

The adoption of laws/acts can be proposed to the National Assembly by the Government, by individual deputies of the National Assembly, by the upper chamber of the Parliament – the National Council (*Državni svet*), and by five thousand voters. According to its Rules of Procedure (*Poslovnik Državnega zbora*), the regular procedure in the National Assembly consists of three readings of the proposed law/act.

In addition, an expedited, emergency procedure is envisaged by the Rules of Procedure. According to Article 86, the National Assembly may pass a decision if a majority of the deputies are present and if the law/act is adopted

by a majority of votes cast by those deputies present, unless a different type of majority is stipulated. The National Council may veto an adopted law/act, and the National Assembly can override such a veto by a majority of all deputies.

The legislative referendum (*Zakonodajni referendum*) (as defined in Article 90 of the Constitution) is regulated in the Referendum and Public Initiative Act (*Zakon o referendumu in o ljudski iniciativi*) and can be instituted by the National Assembly itself or, following a request from the National Council, one third of the deputies or forty thousand voters. The voters have the opportunity to confirm or reject a law/act adopted by the National Assembly before it is promulgated by the President of the Republic (*Predsednik republike*).

The President of the Republic must promulgate an adopted law/act within eight days of its adoption. Pursuant to Article 154 of the Constitution, all norms must be published before they can enter into force. Legal norms adopted by state institutions are published in the Official Gazette of the Republic of Slovenia (*Uradni list Republike Slovenije*; UL RS), whereas ordinances and other local regulations are published in local gazettes.

Amendments to the Constitution are adopted through a special procedure laid down by the Constitution. A proposal to amend the Constitution may be made by 20 deputies of the National Assembly, the Government or 30,000 voters. Such a proposal is decided upon by the National Assembly by a two-thirds majority vote of deputies present, but an amendment may be adopted only if approved by a two-thirds majority vote of all deputies. Article 87 of the Constitution states that the rights and duties of citizens and other persons may be determined by the National Assembly of the Republic of Slovenia only by law.

EU regulations and decisions issued by the EU institutions are directly applicable in the Republic of Slovenia. Their validity does not require ratification and publication in the UL RS.

International treaties to which the Republic of Slovenia is a signatory enter into force once the National Assembly has ratified them through a specific procedure. International treaties are ratified by the adoption of a law tabled by the government. A law on the ratification of an international treaty is adopted if passed by a simple majority of the deputies present, except where stipulated otherwise by the Constitution or law.

Legal databases

Legal Information System (*Pravno-informacijski sistem* – PIS)

The [Legal Information System](#) – Register of regulations of the Republic of Slovenia (*Register predpisov Republike Slovenije*) is linked to the collection of regulations of other state bodies and UL RS.

Legislation of the National Assembly (*Zakonodaja državnega zbora*)

The [Legislation of the National Assembly](#) database contains texts of all laws/acts and other acts under discussion by the National Assembly. These include:

- Consolidated Texts of laws/acts (*prečiščena besedila zakonov*) – officially consolidated texts of laws/acts adopted after 29 November 2002 and published in the UL RS, and unofficially consolidated texts as of 17 June 2007;
- Adopted laws/acts (*sprejeti zakoni*) – laws/acts adopted by the National Assembly and published in the UL RS since independence on 25 June 1991;
- Adopted Acts (*sprejeti akti*) – acts adopted by the National Assembly and published in the UL RS since 28 November 1996;
- Draft laws/acts (*predlogi zakonov*) – draft laws/acts submitted for discussion in the current term of office of the National Assembly (the database also contains adopted draft laws/acts that have not yet been published in the UL RS);
- Readings of laws/acts (*obravnave zakonov*) (end of procedure) – archive of all readings of a law/act submitted for discussion in the National Assembly after 28 November 1996;
- Draft Acts (*predlogi aktov*) – draft acts submitted for discussion in the current term of office of the National Assembly (the database also contains adopted draft acts that have not yet been published in the

UL RS);

- Readings of Acts (*obravnave aktov*) (end of procedure) – archive of all readings of an Act submitted for discussion in the National Assembly after 28 November 1996;
- Draft Ordinances (*predlogi odlokov*) – draft ordinances submitted for discussion in the current term of office of the National Assembly (the database also contains adopted draft ordinances that have not yet been published in the UL RS);
- Readings of Ordinances (*obravnave odlokov*) (end of procedure) – archive of all readings of an Ordinance submitted for discussion in the National Assembly after 28 November 1996;

Official Gazette of the Republic of Slovenia (*Uradni list Republike Slovenije*; UL RS)

All national regulations are officially published in the [Official Gazette of the Republic of Slovenia](#). All documents are published online.

Related links

[Legislation of the National Assembly](#)

[Legal Information System](#)

[Official Gazette of the Republic of Slovenia \(UL RS\)](#)

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