

Member State law - Slovakia



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This page provides you with information about the legal system in Slovakia.

Information on Slovakia's legal order is available on the [European Judicial Network: The law of civil law](#).

Sources of law

Types of legal instruments — description

The term 'sources of law' is used in three senses:

1. sources of law in the material sense — material sources of law;
2. sources of law in the epistemological sense — sources of knowledge of law;
3. sources of law in the formal sense — formal sources of law.

On the basis of how legal provisions come about and the binding form in which they are expressed, four types of sources of law are traditionally distinguished:

- legal custom;
- precedent (judge-made law);
- normative legal acts;
- normative contracts;
- general legal principles;
- common sense;
- contemporary books, legal literature and experts' reports;
- international treaties, where duly incorporated into the legal system of the Slovak Republic.

Hierarchy of norms

One of the basic principles of the Slovak legal system is the hierarchy of norms. Understanding its proper place in legislative practice and implementation is hugely important from the point of view of legality. The hierarchy of norms is not, however, simply a question of straightforward logical precedence or subordination. Hierarchy relates to the entire issue of **legitimate authority**. It also includes the categorical imperative that a legal provision may be laid down only by a body authorised to do so by an Act, within the limits of that Act and its own legislative powers.

Legal provisions are classified by what is known as "legal force". **Legal force** refers to the properties of legal provisions, whereby one provision is subordinate to another (i.e., to a provision with greater legal force) or where a provision is derived from a provision of greater legal force. In a situation involving legal provisions with different legal force the weaker provision may not contradict the stronger one, whereas the stronger provision may override the weaker one.

According to the degree of legal force, it is possible to organise the legislation as follows:

Primary legislation (acts)

- constitutional laws (always primary)
- acts (primary or derived from constitutional acts)

Secondary legislation (below the level of an act)

- Government regulations — always secondary
- legal provisions laid down by central government bodies — always secondary
- legal provisions laid down by local government bodies (authorities) — primary or secondary
- legal provisions exceptionally issued by bodies other than government bodies — always secondary

In this system of legal provisions, where a given act has precedence this basically means that all the other legal provisions must flow from the act, be compatible with it and not contradict it. This means that in practice, in a situation where a legal provision lower down the hierarchy contradicts a higher-ranking provision, it is the higher-ranking one that must be acted on.

The institutional framework

Institutions responsible for the adoption of legal rules

The authorities listed below have the power to adopt legal provisions (statutory bodies):

- National Council of the Slovak Republic — the Constitution, constitutional acts, Acts, international treaties higher than Acts, international treaties with the force of an Act
- Government of the Slovak Republic — government regulations
- Ministries and other central government bodies — decrees, declarations and measures
- Municipal and city authorities — generally binding regulations
- Municipal and city authorities and local government bodies — regulations of general application

Adoption process

The stages of the legislative process:

- tabling of a bill — initiation of legislation
- discussion of the bill
- voting (decision on the bill)
- signing of the adopted bill
- promulgation (publication) of the piece of legislation

Decision-making process

Legislative process

Tabling a bill — initiation of legislation

Draft Act pursuant to Article 87(1) of Act No 460/1992 Coll. (Constitution of the Slovak Republic) may be submitted by:

- committees of the National Council of the Slovak Republic
- members of the National Council of the Slovak Republic.
- Government of the Slovak Republic

Bills submitted are set out paragraph by paragraph with an explanatory memorandum.

Discussion of the bill

In accordance with the rules of procedure of the National Council of the Slovak Republic (Act No 350/1996), bills go through three readings.

1. A general debate takes place **at first reading** on the substance or "**philosophy**" of the **proposed law**. It is not possible to submit amendments in this reading.
2. On the **second reading** the bill is discussed by the National Council committee (s) to which it has been assigned. Every bill must pass through the Constitutional Committee, in particular as regards its **compatibility with the Slovak Constitution**, constitutional acts, international treaties binding on the Slovak Republic, Acts and European Union law. After this, **amendment**

s and additions may be tabled and these are voted on after the committee discussions are completed. This is why the various positions must be brought together before the bill is discussed in the National Council. Where the **committee responsible approves the joint report of the committees by special resolution**, the draft law will be forwarded to the National Council of the Slovak Republic. This forms the basis for the debate and the vote of the National Council of the Slovak Republic on the proposal at second reading.

3. **The third reading** is restricted to those provisions of the bill for which amendments or additions were approved on second reading. On third reading the only changes members of parliament can put forward are corrections of legislative drafting errors and grammar and spelling mistakes. Amendments intended to remove other errors must be tabled by at least 30 members of the National Council. Once they have been discussed, they are put to the vote on the draft law as a whole.

Voting (decision on the bill)

For a law to be passed, it must be **voted for by at least half the members present**.

The Constitution may be amended and individual articles repealed only if passed by a qualified majority, which means three-fifths of all members of the National Council (i.e. 3/5 of 150).

The National Council is quorate if at least half its members are present.

Signing the adopted bill

The adopted bill is signed by:

- President of the Slovak Republic
- the Speaker of the National Council
- the Prime Minister

This step in the procedure involves checking the content, procedural correctness and final form of the adopted bill. By signing, these highest-ranking constitutional office holders endorse the provision as it is worded.

The President has the right to exercise what is called a 'suspensive veto' and refuse to sign an adopted act on the grounds of faulty content. He or she must then send the adopted act, together with his or her comments, back to the National Council to be debated again.

The returned act goes through the second and third reading stages, at which point the National Council may — but does not have to — take the President's comments into account. The National Council may overturn the suspensive veto by voting again, in which case the act must be promulgated, even without the President's signature.

Promulgation (publication) of the piece of legislation

Promulgation is the final stage in the legislative process. Legal provisions of nationwide territorial application are formally published in the Zbierka zákonov (Collection of Legislative Acts) of the Slovak Republic, which is published by the Slovak Ministry of Justice. The Collection of Laws is a public publishing tool of the Slovak Republic. The Collection of Laws is issued in electronic form and in paper form. The form of electronic and paper-based forms of the collection of laws shall have the same legal effects and identical content. The electronic form of a law collection is available free of charge via the EUR-Lex portal.

Entry into force/effect

The legislation enters into force on the date of their declaration in the Collection of Laws.

Laws shall enter into force on the fifteenth day following their promulgation in the Collection of Acts, unless a later date of entry into force is laid down therein.

Other acts shall become binding on the date of their declaration in the Collection of Acts.

Ways of resolving disputes arising between different origins of law

A normative act of a lower degree of legal force must not run counter to a normative act of a higher degree of law.

A normative act may be annulled or altered only by a legislative act of the same or a higher rank.

In a case of inconsistency in the legislation of the same legal force, the legal practice is to resolve such contradictions, according to the principle that the later regulation repeals or amends an older rule and according to the principle that a special rule repeals or amends a general rule.

The Constitutional Court of the Slovak Republic checks and decides on compliance:

- the laws with the Constitution
- Government regulations, generally binding legislation of ministries and other central government bodies with the Constitution, constitutional acts and laws
- universally binding regulations of local authority bodies with the Constitution and laws;
- universally binding legal provisions of local bodies of state administration with the Constitution, laws and other universally binding legal provisions;
- universally binding legal provisions with international treaties promulgated in the manner laid down for the promulgation of laws.

Where the Constitutional Court rules that there is incompatibility between legal provisions, the provisions or relevant parts thereof or rules contained therein cease to be effective. If the bodies that issued the provisions fail to bring them into line with the relevant higher-ranking instruments within the statutory time limit from when the ruling was issued, the provisions or relevant parts thereof or rules contained therein cease to be in force.

Legal databases

Slovak Ministry of Justice database

The portal [☞](#) "Electronic Bulletin of Laws" (Slov-Lex)" of the Slovak Ministry of Justice is based on two interconnected information systems:

1. **ECollection** — an information system for the provision of binding electronic consolidated texts of law and other standards to rights addressed to them
2. **ELegislation** — the process management information system at all stages of the legislative process equipped with advanced editing tools for legislative manufacturers

Benefits to target groups:

Taking into account the fundamental principle of the right that everyone is aware of a valid and effective right and is aware of its rights and obligations, which in practice is increasingly difficult to apply in view of the increasing volume and complexity of legal standards, the Slovak project will contribute to better implementation of this principle by ensuring effective access for all to existing legislation.

- In particular, a national project will benefit from a project in the form of a right, formally and substantively, to the available rights and to raise awareness of new legislation.
- Legal **practitioners** — to obtain continuous access to the applicable law and to draw attention to the new legislation of the Slovak Republic or of the European Union, both generally and specifically on the regulations governing the fields in which they are specialised
- The **entrepreneur** — he also receives free and continuous access to the applicable law and the possibility to be notified of the new legislation of the Slovak Republic or of the European Union both in general but also specifically on the regulations governing the areas in which it operates, and a better regulatory environment to create more favourable conditions for doing business and to reduce the administrative burden associated with business
- **Local authorities** — getting free and continuous access to a source of applicable law, while at the same time reducing administrative burden — burdensome administrative and costly obligation to allow access to the 'Collection of Acts' Collection of Acts in working days, linked to the collection of the laws and of its archiving, to replace the burdensome obligations to secure assisted access to the Collection of Laws on working days.
- National **administrations** — the project will provide free and continuous access to a source of applicable law, a reduction of the administrative burden and hence the financial cost of the legislative process, the possibility of better execution of the tasks in the field of law-making and the implementation of European Union rules.
- **Judicial authorities** — obtaining continuous and quick access to the law in force in any of the selected days of history, the possibility of giving a reference to the legislation in force at the time of the legislation in force, which will allow at least a partial elimination of the routine activities and an increase in the efficiency of the work of judges and magistrates

- **The legislature — will** be able to use an efficient instrument for legislative drafting and the administration of the legislative process, which will deprive them of some of the complex administrative procedures and enable them to focus more closely on the content of the present Opinion

Related links

 [Legal and information portal](#)

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