

Slovenia

by

Arne Mavčič

Faculty for State and European Studies and at the European Faculty
of Law, Slovenia

Jernej Letnar Čerňič

Assistant Professor of Human Rights Law at the School of Govern-
ment and European Studies

Petra Zagoričnik Marinič

Head of Legal and Human Resources Department at the Euro-
Mediterranean University

Nina Matijašević

Postgraduate Student, School for Government and European Studies,
Brdo pri Kranju, Slovenia

&

Erazem Bohinc

Student of European Faculty of Law, Nova Gorica

This monograph has been reviewed by the Authors and is up-to-
date as of May 2012

2012



Wolters Kluwer

Law & Business

Published by:

Kluwer Law International
PO Box 316
2400 AH Alphen aan den Rijn
The Netherlands
E-mail: sales@kluwerlaw.com
Website: www.kluwerlaw.com

Sold and distributed in North, Central and South America by:

Aspen Publishers, Inc.
7201 McKinney Circle
Frederick, MD 21704
United States of America
Email: customer.service@aspublishers.com

Sold and distributed in all other countries by:

Turpin Distribution Services Ltd.
Stratton Business Park
Pegasus Drive, Biggleswade
Bedfordshire SG18 8TQ
United Kingdom
Email: kluwerlaw@turpin-distribution.com

The monograph *Slovenia* is an integral part of *Constitutional Law* in the *International Encyclopaedia of Laws* series.

Printed on acid-free paper.

ISBN 978-90-654-4944-3

Constitutional Law was first published in 1992.

Mavčič, Arne; Letnar Černič, Jernej; Zagoričnik Marinič, Petra; Matijašević, Nina; Bohinc, Erazem. 'Slovenia'. In *International Encyclopaedia of Laws: Constitutional Law*, edited by André Alen & David Haljan. Alphen aan den Rijn, NL: Kluwer Law International, 2012.

This title is available on www.kluwerlawonline.com

© 2012, Kluwer Law International BV, The Netherlands

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without written permission from the publisher.

Permission to use this content must be obtained from the copyright owner. Please apply to:
Permissions Department, Wolters Kluwer Legal, 76 Ninth Avenue, 7th Floor, New York, NY 10011-5201, USA. Email: permissions@kluwerlaw.com

The Authors



Arne Mavčič, D. Law (b. 4 August 1948), completed his Bachelor of Law at the Ljubljana Law School, Slovenia in 1970, from which, after having completed his post-graduate studies in civil law at the Law Schools of Zagreb and Ljubljana, he was awarded a Doctorate of Law in 1979. From 1970 till 1973 he was legal advisor to the Slovenian Parliament, from 1974 till 1977 he was chief of the International Department of the Slovenian Health Insurance Association. From 1978 since 2002 he was the Head of the Legal Information Centre of the Constitutional Court of Slovenia and a Senior Scientific Councillor to the Ljubljana Law School, specializing in legal information systems and constitutional law. From 2002 to 2009 he was a head of the Analysis and International Cooperation Department of the Constitutional Court of Slovenia. He has been a Professor of Comparative Constitutional Law and Human Rights Law at the Faculty for State and European Studies and at the European Faculty of Law in Slovenia. Dr Mavčič is an editor and author of several publications in the field of constitutional law, legal informatics and human rights law. Dr Mavčič has predominantly been engaged in practical and promotional activities in the fields of comparative constitutional review and human rights law.



Jernej Letnar Čerňič is Assistant Professor of Human Rights Law at the School of Government and European Studies, where he also acts as Vice-Dean. He graduated from the University of Ljubljana with the France Prešeren award and obtained an LL.M in Human Rights Law at the Raoul Wallenberg Institute for Human Rights Law and Humanitarian Law, University of Lund, Sweden. He completed his Ph.D. in Law at the School of Law, University of Aberdeen, Scotland, UK. Jernej has worked at the European Ombudsman's Office, the Superior Court of the Republic of Slovenia, the Law Institute in Ljubljana, the International Criminal Court, and has taught at the University of Aberdeen, University of Lund, New York University and European University Institute. He is a member of the International Human Rights Committee and Feminism and International Law Committee of the International Law Association

The Authors

and of the Institut International des Droits de l'Homme. He has written extensively on human rights law and international law.



Petra Zagoričnik Marinič, LL.M (b. 9 December 1977) completed her Bachelor of Law at the European Law Faculty in Nova Gorica, Slovenia in 2009 and her LL.M in 2010. She is currently pursuing her Doctoral Studies in International Law. From 1994 till 2003 she spent her summers as a programme assistant to American-Eurasian Studies Programme at West Chester University of Pennsylvania. Between 1994 and 2010 she has had many pedagogical experiences as a sports trainer and as an English language instructor. After a professional career in sports and in business, she is now Head of Legal and Human Resources Department at the Euro-Mediterranean

University, where her main work is linked to all legal aspects of an active university. At the same time she is in charge of many international activities of the institution and supports the work of several international projects. She is also an assistant lecturer of International Law and EU Law at the European Faculty of Law in Nova Gorica. She is the editor and author of several publications from the field of international law.



Nina Matijašević (b. 6 March 1989), completed her Bachelor of Arts degree in Security Studies at the Faculty of Criminal Justice and Security, Slovenia in 2011 and is current postgraduate student in masters programme on international and diplomatic studies at School for Government and European Studies, Brdo pri Kranju, Slovenia. She is also a member of local group European Law Students Association Nova Gorica and Kranj, a member of European Movement Slovenia and a Head of Student Council.



Erazem Bohinc (b. 4 January 1991), completed grammar school (Gimnazija Šiška) in 2009 and is currently a student of European Faculty of Law in Nova Gorica. He is a representative of Student Council and member of ELSA (The European Law Student's Association). He is also taking part in Slovenian quality assurance agency for higher education (SQAA) as student expert.

Table of Contents

| | |
|---|----|
| The Authors | 3 |
| List of Abbreviations | 19 |
| Glossary | 21 |
| List of Legislation | 23 |
| Preface | 39 |
| General Introduction | 41 |
| §1. SLOVENIAN CONSTITUTIONAL HISTORY | 41 |
| I. Important Dates | 41 |
| II. Development of the Organization of State Power in Slovenia | 45 |
| III. A Concise Description of Recent Slovenian Constitutional History | 46 |
| A. Reasons for the Transition to the New Legal System | 46 |
| B. The Constitution of 1991 | 48 |
| C. The Electoral System | 51 |
| §2. A PROFILE OF THE FORM OF GOVERNMENT | 52 |
| I. A Democratic Republic | 52 |
| II. The Rule of Law | 53 |
| III. The Social Welfare State | 54 |
| IV. The Separation of Powers | 55 |
| V. National Sovereignty | 58 |
| A. The Sovereignty of the People | 58 |
| B. Forms of Direct Democracy | 59 |
| C. The Referendum in the Process of Amending the Constitution | 59 |
| D. The Legislative Referendum | 60 |
| E. The Deliberative Referendum | 61 |
| F. The Local Referendum | 61 |
| G. The Public Initiative | 61 |

Table of Contents

| | |
|--|----|
| H. Petition | 62 |
| I. The Participation of Citizens in the Performance of Judicial Functions | 63 |
| VI. The Territorial Indivisibility | 63 |
| §3. STATE TERRITORY | 63 |
| §4. STATE POPULATION | 63 |
| §5. STATE SYMBOLS | 65 |
| Part I. Sources of Constitutional Law | 67 |
| Chapter 1. Treaties | 69 |
| §1. BRIEF OVERVIEW | 69 |
| §2. HIERARCHY | 69 |
| Chapter 2. Constitution | 71 |
| §1. CLASSIFICATION | 71 |
| §2. THE PROCEDURE FOR AMENDING THE CONSTITUTION | 75 |
| I. General: The Constitution in Force | 75 |
| II. Historical Constitutional Development | 77 |
| §3. HIERARCHY | 80 |
| Chapter 3. Legislation and Equivalent Legislative Rules | 82 |
| §1. TYPES OF LAW | 82 |
| I. Constitutional Laws | 82 |
| II. (Ordinary) Laws | 82 |
| III. Hierarchy | 83 |
| §2. (PRESIDENTIAL) DECREES WITH THE BINDING FORCE AND EFFECT OF STATUTE | 84 |
| I. General | 84 |
| II. Hierarchy | 84 |
| Chapter 4. Rules of Procedure | 85 |

Table of Contents

| | |
|---|----|
| Chapter 5. Regulations | 86 |
| §1. GENERAL | 86 |
| §2. HIERARCHY | 86 |
| Chapter 6. Administrative Regulations and Orders | 87 |
| Chapter 7. Autonomous Regulations | 88 |
| §1. LOCAL SELF-GOVERNMENT REGULATIONS | 88 |
| I. General | 88 |
| II. Hierarchy | 88 |
| §2. STATUTES OF ENTERPRISES | 88 |
| §3. COLLECTIVE AGREEMENTS | 89 |
| Chapter 8. Jurisprudence | 90 |
| §1. GENERAL | 90 |
| §2. HIERARCHY | 90 |
| Chapter 9. Unwritten Law | 91 |
| §1. CUSTOMARY LAW | 91 |
| §2. PRINCIPLES OF LAW | 91 |
| §3. MORALITY AS A LEGAL SOURCE | 93 |
| Chapter 10. Codification, Interpretation, Promulgation and Publication | 94 |
| §1. CODIFICATION | 94 |
| §2. INTERPRETATION | 94 |
| §3. PROMULGATION | 96 |
| §4. PUBLICATION | 96 |

Table of Contents

| | |
|---|-----|
| Part II. Form of Government | 97 |
| Chapter 1. General | 97 |
| §1. POLITICAL PARTIES, LOBBIES AND INTEREST GROUPS | 97 |
| §2. MISCELLANEOUS | 98 |
| Chapter 2. The Head of State | 99 |
| §1. INTRODUCTION | 99 |
| §2. POWERS | 100 |
| §3. DESIGNATION | 101 |
| §4. LEGAL STATUS | 102 |
| Chapter 3. Legislature | 104 |
| §1. THE STATE BODIES (THE NATIONAL ASSEMBLY AND THE NATIONAL COUNCIL) | 104 |
| I. Uni/Bicameral System | 104 |
| A. Introduction | 104 |
| B. Bodies of Political Representation and the Representative Form of Government | 105 |
| C. The National Assembly As a General Representative and Legislative Body | 106 |
| D. The Rights and Duties of the Deputies | 108 |
| E. The Powers and Sphere of Activity of the National Assembly | 111 |
| F. A General Overview of Legislative Procedure | 113 |
| G. The Rules of Quorum and Majority | 115 |
| H. International Agreements | 117 |
| I. The Obligatory Interpretation of Statutes | 117 |
| J. The Public Nature of the Activities of the National Assembly | 117 |
| K. The National Council | 118 |
| L. The Parliamentary Inquiry | 119 |
| II. The Electoral System | 119 |
| A. General Introduction | 119 |
| B. The Principles of the Election Process | 120 |
| C. Eligibility | 123 |
| §2. LEGAL STATUS | 123 |
| I. The Mandate of the Deputies | 123 |
| II. Incompatibilities, Immunities and Privileges | 124 |

Table of Contents

| | |
|--|-----|
| A. Incompatibilities | 124 |
| B. Immunities | 125 |
| C. Indemnity and Benefits | 127 |
| §3. POWERS | 127 |
| I. The Right of Legislative Initiative | 127 |
| II. Supervision and Control of the Executive | 128 |
| A. The Right of Interpellation | 128 |
| B. The Right to Ask Questions | 128 |
| C. The Right of Investigation (Parliamentary Inquiries) | 129 |
| D. Techniques of Financial Supervision | 129 |
| E. War and State of Emergency | 129 |
| §4. ACTIVITIES | 130 |
| I. Parliamentary Proceedings: Legislative Procedure | 130 |
| A. Legislative Initiative | 130 |
| B. Preliminary Processing | 131 |
| C. The Phases of the Legislative Procedure | 131 |
| 1. The First Phase of a Bill (the First Reading, General Discussion) | 131 |
| 2. The Second Phase of a Bill (the Second Reading, Discussion and Voting on Articles) | 132 |
| 3. The Third Phase of a Bill (The Third Reading, Discussion and Voting on a Bill as a Whole) | 132 |
| 4. Voting on a Bill | 132 |
| 5. Accelerated Legislative Procedure | 133 |
| 6. The Abbreviated Legislative Procedure | 133 |
| D. The Re-voting of a Bill | 133 |
| E. The Promulgation of a Statute | 134 |
| II. The Ratification of International Treaties | 134 |
| III. The Procedure for the Adoption of the State Budget and the Final State Accounting | 135 |
| IV. The Legislative Referendum | 135 |
| V. The Validity of Regulations | 136 |
| A. The Publication of Regulations | 136 |
| B. The Validity of Legislative Measures and the <i>Vacatio Legis</i> | 136 |
| C. The Prohibition against Retroactive Legislation | 136 |
| VI. Authentic (Obligatory) Interpretation of Regulations (Statutes) | 136 |
| §5. MISCELLANEOUS | 137 |
| I. The Delegation of Legislative Power | 137 |
| A. Presidential Decrees | 137 |
| B. Administrative Regulations | 137 |
| II. The Parliamentary Inquiries | 138 |
| §6. THE NATIONAL COUNCIL | 140 |
| I. Composition | 140 |

Table of Contents

| | |
|--|-----|
| II. Elections | 140 |
| III. Incompatibilities of Office and Immunities | 141 |
| IV. Powers | 142 |
| V. Voting in the National Council | 143 |
| | |
| Chapter 4. The Executive | 144 |
| | |
| §1. THE STATE BODY | 144 |
| I. Introduction | 144 |
| II. The Process of Forming a Government | 144 |
| III. The Composition, Organization and Process of Forming a Government and Cabinet | 145 |
| | |
| §2. LEGAL STATUS | 147 |
| | |
| §3. POWERS | 148 |
| I. The Government | 148 |
| II. The Prime Minister | 149 |
| III. Ministers | 150 |
| IV. Rights and Duties | 150 |
| V. The Accountability of the Government and of the Ministers | 151 |
| A. A Vote of No Confidence in the Government | 151 |
| B. A Vote of Confidence in the Government | 152 |
| C. Interpellation | 152 |
| D. Liability and Impeachment | 153 |
| VI. Acts of the Government | 153 |
| VII. The Public Administration | 154 |
| | |
| Chapter 5. The Judiciary | 157 |
| | |
| §1. INTRODUCTION | 157 |
| | |
| §2. COURTS | 157 |
| I. Organization and Jurisdiction | 157 |
| A. General | 157 |
| B. Judges | 160 |
| II. The Independence of Judges | 162 |
| III. The Election of Judges | 163 |
| IV. The Permanence of the Office of Judges | 164 |
| V. Judicial Immunities | 164 |
| VI. The Incompatibilities of the Judicial Office | 164 |
| VII. The Principle of Public Court Proceedings | 165 |
| VIII. The Participation of Citizens in the Performance of Judicial Functions | 165 |
| | |
| §3. THE PUBLIC PROSECUTOR'S OFFICE | 165 |

Table of Contents

| | |
|---|------------|
| §4. SOLICITORS | 167 |
| §5. NOTARIES PUBLIC | 168 |
| Chapter 6. Constitutional Review | 170 |
| §1. GENERAL | 170 |
| §2. THE SLOVENIAN MODEL OF THE CONSTITUTIONAL REVIEW | 170 |
| §3. HISTORICAL BACKGROUND OF THE CONSTITUTIONAL REVIEW | 172 |
| §4. THE SYSTEM IN FORCE | 175 |
| I. The Position of the Constitutional Court in the National Hierarchy of the Courts | 175 |
| II. The Present Situation | 175 |
| III. Composition and Organization | 176 |
| A. Composition | 176 |
| B. Procedure | 177 |
| C. Organization | 177 |
| IV. Powers | 178 |
| A. Constitutional Review | 178 |
| 1. Preventative (a priori) Review | 178 |
| 2. Abstract a posteriori Review | 178 |
| 3. Concrete a posteriori Review | 179 |
| B. Other Powers | 179 |
| C. Standing before the Constitutional Court | 180 |
| V. The Nature and Effects of Decisions | 181 |
| VI. The Publication of Constitutional Court Decisions | 182 |
| Chapter 7. Independent Non-Political Bodies | 184 |
| §1. THE COURT OF AUDITORS | 184 |
| §2. INSPECTIONS | 184 |
| §3. THE STATE LEGAL OFFICE | 186 |
| Part III. The State and Its Subdivisions | 189 |
| Chapter 1. The Form of the State | 189 |
| Chapter 2. Decentralized Authorities | 190 |
| §1. THE HISTORY OF LOCAL SELF-GOVERNMENT | 190 |

Table of Contents

| | |
|---|-----|
| §2. A GENERAL DESCRIPTION OF THE SYSTEM IN FORCE | 192 |
| §3. THE INTERNAL STRUCTURE OF THE MUNICIPALITIES | 198 |
| §4. THE CONSTITUTIONAL PROVISIONS | 199 |
| I. General Provisions Concerning Local Matters | 199 |
| II. Special Provisions Regarding the Distribution of Powers Between the State and Municipalities | 201 |
| III. The Tasks and Financing of Regions | 207 |
| IV. Other Forms of Self-Government | 208 |
| V. Special Provisions Relating to the Local Self-Government Issues | 208 |
| VI. Local Self-Government Organization | 210 |
| VII. Main Aspects of the Governing Bodies and Their Relationships | 210 |
| VIII. Minority Ethnic Groups are Guaranteed the Right to Representation by the Constitution and the Local Self-Government Act | 211 |
| IX. Local Elections | 213 |
| X. Internal Structure | 214 |
| XI. Division of Powers | 216 |
| XII. Direct Citizen's Participation in Decision-Making | 216 |
| XIII. Local Councillors' Status | 217 |
| XIV. Duties and Responsibilities of the Local Elected Representatives | 218 |
| XV. Working Conditions of the Elected Representatives | 218 |
| XVI. Control in the Field of Local Authorities' Own Competences | 219 |
| XVII. Supervision in the Field of Delegated Competences | 220 |
| XVIII. Local Councils' Policies and Resources | 220 |
| XIX. Local Government Responsibilities | 221 |
| Part IV. Citizenship and the Administration of Justice | 223 |
| Chapter 1. Citizenship and Capacity | 223 |
| §1. CITIZENSHIP | 223 |
| I. Constitutional Provisions Concerning the Relevance of Citizenship | 223 |
| II. Statutory Provisions | 225 |
| III. Obtaining Slovenian Citizenship | 225 |
| IV. The Loss of Slovenian Citizenship | 226 |
| §2. THE POSITION OF FOREIGNERS | 228 |
| §3. OTHER RULES REGARDING CAPACITY OF NATURAL PERSONS | 230 |

Table of Contents

| | |
|---|------------|
| I. Minors | 230 |
| II. The Mentally Handicapped | 231 |
| §4. LEGAL ENTITIES | 231 |
| I. National Legal Entities | 231 |
| II. Foreign Legal Entities | 232 |
| Chapter 2. Basic Rights and Liberties | 233 |
| §1. GENERAL | 233 |
| I. Definition | 233 |
| II. Historical Outline | 234 |
| III. General Provisions | 235 |
| A. Equality before the Law | 235 |
| B. The Exercise and Limitations of Rights | 243 |
| C. The Temporary Revocation or Restriction of Rights | 245 |
| D. Equality in the Protection of Rights | 246 |
| E. The Due Process of the Law | 247 |
| F. Public Court Proceedings | 248 |
| G. The Right to Legal Remedies | 248 |
| IV. The System of Protection | 256 |
| A. The National System | 256 |
| 1. Judicial Protection | 256 |
| 2. Administrative-Penal Protection (Offences) | 256 |
| 3. The Constitutional Complaint | 257 |
| 4. The Ombudsman | 257 |
| B. The International System | 259 |
| §2. SPECIFIC BASIC RIGHTS AND FREEDOMS | 263 |
| I. Personal Rights and Freedoms | 263 |
| A. Personal Freedoms Protecting Individual Integrity, Liberty and Security | 263 |
| 1. The Inviolability of Human Life | 263 |
| 2. The Prohibition of Torture | 272 |
| 3. The Protection of Personal Liberty | 273 |
| 4. Orders for and Duration of Arrest | 274 |
| 5. The Protection of an Individual's Humanity and Dignity | 274 |
| 6. The Freedom of Movement | 281 |
| 7. The Right to Personal Integrity and Personal Safety | 281 |
| 8. The Protection of the Right to Privacy and Personal Rights | 281 |
| 9. The Inviolability of Dwellings | 281 |
| 10. The Protection of the Privacy of the Post and Other Means of Communication | 282 |
| 11. Extradition | 282 |

Table of Contents

| | |
|--|-----|
| 12. The Prohibition of Inciting Discrimination and Intolerance and the Prohibition of the Incitement to Violence and War | 283 |
| 13. The Right to Compensation | 284 |
| B. The Intellectual Rights and Freedoms | 284 |
| 1. Freedom of Expression | 284 |
| 2. The Right to Correction and Reply | 286 |
| 3. The Freedom of Conscience | 286 |
| 4. The Right of Conscientious Objection | 287 |
| 5. Education and Schooling | 287 |
| 6. The Autonomy of Universities and Other Institutions of Higher Education | 287 |
| 7. The Freedom of Science and the Arts | 288 |
| 8. Intellectual Property Rights | 288 |
| 9. The Profession of National Allegiance | 289 |
| 10. The Right to the Use of Language and Script | 289 |
| 11. The Protection of Personal Data | 289 |
| C. The Right to a Fair Trial | 290 |
| 1. The Presumption of Innocence | 290 |
| 2. The Principle of Legality in Criminal Law | 290 |
| 3. Legal Guarantees in Criminal Proceedings (The Right to a Fair Trial) | 291 |
| 4. The Right to Rehabilitation and Compensation | 291 |
| 5. The Prohibition Against Double Jeopardy | 291 |
| II. Political Rights and Freedoms | 292 |
| A. The Right of Assembly and Association | 292 |
| B. The Right to Vote | 293 |
| C. Participation in Public Affairs | 294 |
| D. The Right to Petition | 294 |
| E. Political Asylum | 294 |
| III. Economic, Social and Cultural Rights | 295 |
| A. The Right to Own and Inherit Property | 295 |
| B. The Property Rights of Foreigners | 300 |
| C. The Right to Utilize National Assets and National Resources | 302 |
| D. The Rights of Foreigners to Exploit Natural Resources | 303 |
| E. The Right to a Healthy Living Environment | 303 |
| F. Free Enterprise | 303 |
| G. Participation in Management | 304 |
| H. The Freedom of Trade Unions | 304 |
| I. The Right to Strike | 305 |
| J. The Freedom of Work | 305 |
| K. The Special Rights of Foreigners Employed in Slovenia | 307 |
| L. The Right to Social Security | 307 |
| M. The Right to Health Care | 310 |
| N. The Rights of the Disabled | 312 |

Table of Contents

| | |
|---|------------|
| O. Marriage and the Family | 312 |
| P. The Rights and Obligations of Parents | 313 |
| Q. The Freedom of Choice in Childbearing | 313 |
| R. The Rights of Children | 314 |
| IV. The Special Rights of the National Communities | 314 |
| A. The Special Rights of the Autochthonous Italian and Hungarian National Communities in Slovenia | 314 |
| B. The Status and Special Rights of the Rom Communities in Slovenia | 316 |
| C. Autochthonous Slovenian Minorities in Neighbouring Countries | 321 |
| Chapter 3. Constitutional Problems of Minorities | 322 |
| §1. LINGUISTIC MINORITIES | 322 |
| I. General | 322 |
| II. Constitutional and Statutory Guarantees for Linguistic Minorities | 322 |
| A. Constitutional Provisions | 322 |
| B. Linguistic Legislation | 324 |
| 1. The Organization of the Self-governing National Communities | 324 |
| 2. The Usage of Languages in Administrative Matters | 325 |
| 3. The Usage of Languages in Education | 326 |
| 4. The Usage of Languages in Culture | 327 |
| 5. The Usage of Languages in Health Services and Veterinary Medicine | 328 |
| C. Judicial Protection | 328 |
| Chapter 4. Judicial Control of Administrative Action | 329 |
| §1. PREVENTATIVE LEGAL PROTECTION | 329 |
| I. Free Access to Governmental Documents | 329 |
| II. Public Court Proceedings | 329 |
| III. The Obligation to Provide a Reason for Every Unilateral Decision | 330 |
| §2. CURATIVE LEGAL PROTECTION | 331 |
| I. Introduction | 331 |
| II. Administrative Disputes | 331 |
| III. The Constitutional Complaint | 332 |
| A. History | 332 |
| B. The Constitutional Complaint in Slovenia | 333 |
| C. Human Rights Protection Viewed Through Slovenian Constitutional Case Law | 337 |

Table of Contents

| | |
|---|-----|
| Chapter 5. The Legal Position of Aliens | 340 |
| §1. GENERAL | 340 |
| §2. STATUTORY PROVISIONS REGARDING ALIENS | 340 |
| I. The Foreigners Act | 340 |
| Part V. Specific Problems | 343 |
| Chapter 1. War, Treaty and Foreign Affairs Powers | 343 |
| §1. NATIONAL DEFENCE | 343 |
| I. Constitutional Provisions | 343 |
| II. Statutory Provisions | 343 |
| §2. EXTERNAL RELATIONS/FOREIGN AFFAIRS | 346 |
| I. Treaty-Making Powers | 346 |
| II. Powers of the Parliament | 348 |
| III. Powers of the National Council | 351 |
| IV. Powers of the President of the Republic | 351 |
| V. Powers of the Constitutional Court | 351 |
| VI. Powers of the Judiciary | 352 |
| VII. Powers of the Ministry of Foreign Affairs | 352 |
| Chapter 2. Taxing and Spending Powers | 354 |
| §1. THE STATE | 354 |
| I. Taxing Power | 354 |
| A. The Principle of Legality | 354 |
| B. The Principle of Annuality | 354 |
| C. The Principle of Equality | 354 |
| II. Spending Power | 354 |
| A. The Principle of Legality | 354 |
| B. The Principle of Annuality | 355 |
| C. The Principle of Universality | 355 |
| D. The Principle of Specialization | 355 |
| E. The Public Nature of the State Budget and the Accounting | 356 |
| III. The Tax Administration | 356 |
| IV. Customs | 356 |
| §2. MUNICIPALITIES | 357 |
| I. Autonomous or General Taxing Power | 357 |
| II. Additional Taxing Power: Municipal Taxes | 358 |
| §3. LOANS | 358 |

Table of Contents

| | |
|--|-----|
| §4. SOLIDARITY MECHANISMS | 358 |
| §5. THE BUDGET | 358 |
| §6. THE CENTRAL BANK OF THE REPUBLIC OF SLOVENIA | 359 |
| §7. THE COURT OF AUDITORS | 360 |
| Chapter 3. Emergency Laws | 361 |
| Chapter 4. The Constitutional Relationship between Church and State | 363 |
| §1. THE FREEDOM OF RELIGION: THE FREEDOM OF CONSCIENCE | 364 |
| §2. THE POSITION OF RELIGIOUS GROUPS | 365 |
| Index | 369 |