

CEPEJ – Organisation of the Judicial System of the Republic of Slovenia

Organisation of the Judicial System

The uniform judicial system of the Republic of Slovenia includes courts of general and specialised jurisdiction, the latter having jurisdiction only in the fields of labour and social law and administrative law.

There are four levels of the courts of general jurisdiction:

- **44 local courts** are courts of the first instance and are vested with jurisdiction over less serious criminal cases;¹ civil cases concerning claims for damages or property rights up to a certain value;² 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; civil enforcement.
- **11 district courts** are courts of the first instance as well. They are vested with jurisdiction over criminal and civil cases which exceed the jurisdiction of local courts; carry out an investigation or investigatory actions concerning criminal offences in their jurisdiction; juvenile criminal cases; execution of criminal sentences; trial of, or consideration of the permission for, violations of human rights and fundamental freedoms; family disputes, except maintenance disputes; confirmation of rulings of a foreign court; commercial disputes; bankruptcy, forced settlements and liquidation; copyright and intellectual property cases; entries in the company register.
- **4 higher courts** are courts of appellate jurisdiction. In addition to determination of appeals against decisions of the local and district courts in their territories, they also determine disputes of jurisdiction between local and district courts.
- **The Supreme Court**, as the highest court in the state, is described in the following paragraph.

There are also **four specialised courts** of the first instance. They are competent for determination of **labour disputes**, and one of them also for determination of **social security disputes**. They share a common court of appeal.

The **Administrative Court** of the Republic of Slovenia has a status of a higher court.

¹ I.e. criminal offences which are punishable by a fine or to a term of up to three years of imprisonment, except in matters of criminal offences against honour and reputation committed by press, via radio, television or other means of public information.

² I.e. property-law related disputes, when the value of dispute does not exceed 20.000 euros.

Jurisdiction over the listed types of cases

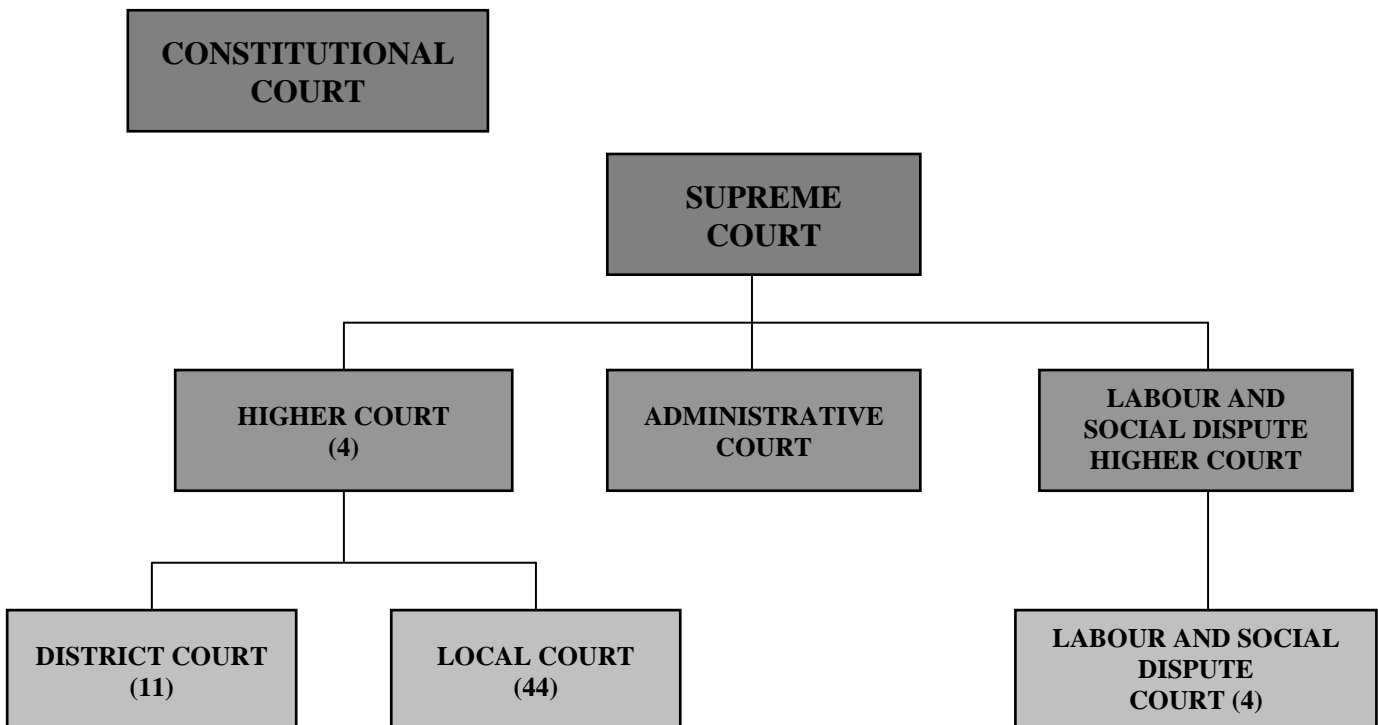
Litigious divorce – District courts (11) deal with all types of family disputes, excluding only maintenance disputes that are dealt by local courts (44).

Employment dismissal – Labour courts (4). Employment dismissal cases include the following types of employment dismissal: cancellation of employment, other terminations of employment, cancellation of employment contract with an offer of a new one, expiration of employment contract, ordinary cancellation of employment contract due to business reasons, ordinary cancellation of employment contract due to inability, ordinary cancellation of employment contract due to reasons of guilt, cancellation of employment contract due to bankruptcy and similar reasons and extraordinary cancellation by employer.

Robbery – District courts (11). Since the crime of robbery is punishable by one up to ten years of imprisonment (in specific cases by three to fifteen or even five to fifteen years), this type of cases falls within the jurisdiction of the district courts.

Intentional homicide - District courts (11). Since the crime of intentional homicide is punishable by five up to fifteen years of imprisonment, in specific cases with at least fifteen years (up to thirty years or even life imprisonment), this type of cases falls within the jurisdiction of the district courts.

Organisation chart of the judicial system in Slovenia



The Supreme Court

The Supreme Court is the highest appellate court in the state. 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 labour and social security disputes. It is the court of the third instance in almost all these cases within its jurisdiction. The grounds of appeal to the Supreme Court (defined as extraordinary legal remedies in our procedural laws) are therefore limited to issues of substantive law and to the most severe breaches of procedure.

The Supreme Court is not empowered to decide upon matters relating to the conformity of statutes, regulations and by-laws with the constitution and with international law, matters relating to complaints of breach of the constitution involving individual acts infringing human rights and fundamental freedoms, and similar matters. These matters belong to the jurisdiction of the Constitutional Court.

The Supreme Court can exercise inside inspection of lower instance courts' activities which are not related to the administration of justice. Thus, the Supreme Court can demand to be given insight into the work of a lower court by way of examining cases already closed, chosen at random (the object of this examination being a later exchange of experiences with the judges of the lower court, planned as a kind of collegial help and part of in-service training) and not of cases still under procedure. The President of the Supreme Court can also - upon the complaint of a party in a case not yet closed (the complaint being that the case is not being adjudicated within a reasonable time) - ask the president of a High Court (court of the second instance) to inform him/her of the reasons for the delay in the individual case.

The Supreme Court has six divisions:

- the Criminal Division,
- the Civil Division,
- the Commercial Lawsuits Division,
- the Labour and Social Security Disputes Division,
- the Administrative Review Division,
- the Registry Division

The role of the public prosecution service

Prosecutors prosecute offenders of crimes and other criminal activities. If so provided by law, prosecutors also file legal remedies in civil and administrative proceedings.

Similar to the court organisation scheme, the state prosecutor offices are divided into 11 district state prosecutor's offices. The jurisdiction of the offices follows the jurisdiction of 11 district courts and district state prosecutors cover also the local courts that fall within their district.

The district prosecutor's offices with a bigger number of similar cases can form internal departments, intended for specialisation and higher efficiency of the performance of the office on a specific area of the office's jurisdiction.

In appeal proceedings before 4 higher courts in the state (Celje, Koper, Ljubljana and Maribor), higher state prosecutors (with offices divided into 4 departments that follow the division into 4 higher courts) represent the appeals of district state prosecutors.

In proceedings on extraordinary judicial remedies in the field of criminal law and in the field of civil and administrative affairs, supreme state prosecutors appear before the Supreme Court.

The internal organisation of state prosecutors' offices is determined by the State Prosecutor's Order prescribed by the Minister of Justice on the proposal of the State Prosecutor General. The number of posts held by state prosecutors is specified in the Decree on the number of positions of state prosecutors and assistants to state prosecutors. All state prosecutors are appointed by the Government of the RS, and their mandate is permanent. The State Prosecutor General is appointed by the National Assembly on the recommendation of the Government for a period of six years.

The Office of the State Prosecutor General decides on disputes over the jurisdiction between district state prosecutors' offices and on transferring territorial jurisdiction to another district state prosecutor's office, where appropriate, to facilitate the completion of the proceedings or for other substantive reasons.

The Office of the State Prosecutor General of the Republic of Slovenia is the highest-ranking prosecutor's office in the country, within which operate supreme and higher state prosecutors, district state prosecutors assigned to the Office of the State Prosecutor General for performing demanding professional tasks, and state prosecutors operating within the group of state prosecutors for the prosecution of organised crime.

The Office of the State Prosecutor General is organised into four departments (the criminal law department, the civil and administrative affairs department, the department of state prosecutor supervision and the appeals department), an expert centre and a legal information centre.

In the **criminal law department**, supreme state prosecutors file requests for the protection of legality in criminal matters concluded as final and in matters relating to offences. They submit responses to requests for the protection of legality filed in procedures by the opposing party, and proposals responding to requests for extraordinary mitigation of punishment. They appear

in appeal proceedings in cases where the Supreme Court acts as an appellate court. Supreme state prosecutors assist district state prosecutors in their work by giving legal opinions on demanding matters of law and by highlighting case law.

In the **civil and administrative affairs department**, supreme state prosecutors file requests for the protection of legality against final court decisions in litigious and other civil court proceedings. The prerequisite for filing this extraordinary judicial remedy, which is not at the disposal of parties to the proceedings, is the protection of the public interest, mainly due to the unification of judicial practice in terms of the application of laws and institutes and taking a stand on certain legal issues.

Higher state prosecutors in the **appeals department** at the main office in Ljubljana and three external departments (located in Maribor, Celje and Koper) represent appeals of district state prosecutors before higher courts and, through proposals for appeals of district state prosecutors, their defendants and defence counsels, jointly create legal practice and punishment policy.

The **department of state prosecutor supervision** performs supervision over the work of district state prosecutors. General supervisory examinations are performed every three years with respect to the work of district state prosecutors. The department also carries out partial supervisory examinations with respect to individual cases or the work of an individual state prosecutor.

The expert centre provides state prosecutors with expert assistance in other areas of expertise, prepares and carries out education and training activities for state prosecutors and prepares expert groundwork for international cooperation between state prosecutors.

The legal information centre is responsible for the development, uniformity and operation of IT support for state prosecutors' offices.

The group of state prosecutors for the prosecution of organised crime is responsible for prosecuting the perpetrators of criminal offences in the area of "classical" organised crime and economic crime, terrorism, offences connected with corruption and other offences where detection and prosecution require special organisation and skills, including the entire country when the State Prosecutor General so decides.

Organisation chart of the public prosecution system in Slovenia

