

A man with a beard, wearing a blue and white checkered shirt, is looking down at a small book he is holding. The book has a red cover with the Slovenian coat of arms and the text 'I. USTAVA'. He is surrounded by riot police in dark uniforms and helmets. The background is slightly blurred, showing more police officers. The overall scene suggests a moment of civic engagement or protest.

# USTAVA REPUBLIKE SLOVENIJE CONSTITUTION OF THE REPUBLIC OF SLOVENIA



Zbirka **Pamflet** je namenjena objavi referenčnih besedil, ki govorijo o svobodi v najširšem smislu besede.

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Založba ZRC



POLICIJA

**USTAVA**  
**REPUBLIKE**  
**SLOVENIJE**  
**CONSTITUTION**  
**OF THE REPUBLIC**  
**OF SLOVENIA**

**Dvojezična izdaja / Bilingual edition**

Ljubljana, 2022

**Ustava Republike Slovenije /**  
Constitution of the Republic of Slovenia  
Dvojezična izdaja / Bilingual edition

## **Pamflet 4**

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# **Branje ustave pred parlamentom**

**Ta izdaja Ustave Republike Slovenije je opremljena s fotografijami, posnetimi 19. junija 2020, ko se je med valom protestov v obrambo demokracije skupina prebivalcev odločila za simbolno gesto upora – branje slovenske ustave pred stavbo državnega zbora. Odziv oblasti je potrdil, da so z ustavo zagotovljene demokratične pravice res ogrožene.**

## Reading the Constitution in front of the National Assembly

This edition of the Constitution of the Republic of Slovenia is accompanied by photographs taken on 19 June 2020, when during a wave of protests in defence of democracy, a group of citizens decided to make a symbolic gesture – to read the Slovenian Constitution in front of the National Assembly building. The response of the authorities confirmed that the democratic rights guaranteed by the Constitution are indeed threatened.

V knjigi objavljena Temeljna ustavna listina o samostojnosti in neodvisnosti Republike Slovenije je prevzeta po objavi Uradni list RS, št. 1-4/91-1 z dne 25. junija 1991, popravek z dne 17. oktobra, neuradno prečiščeno besedilo Ustave Republike Slovenije pa po objavah Uradni list RS, št. 33-1409/91-I z dne 28. decembra 1991, 42-2341/97 z dne 17. julija 1997, 66-3052/00 z dne 26. julija 2000, 24-898/03 z dne 7. marca 2003, 69-3088/04 z dne 24. junija 2004, 69-3090/04 z dne 24. junija 2004, 69-3092/04 z dne 24. junija 2004, 68-2951/06 z dne 30. junija 2006, 47-1777/13 z dne 31. maja 2013, 47-1779/13 z dne 31. maja 2013, 75-3208/16 z dne 30. novembra 2016 in 92-1970/21 z dne 8. junija 2021.

The Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia was adopted and entered into force on 25 June 1991 (Official Gazette of the Republic of Slovenia Nos. 1/91-I and 19/91). The unofficial consolidated text of the Constitution of the Republic Of Slovenia includes the original Constitution of 23 December 1991 (Official Gazette of the Republic of Slovenia No. 33/91-I) and the amendments adopted by the Constitutional Act of 14 July 1997 (Official Gazette of the Republic of Slovenia No. 42/97), the Constitutional Act of 25 July 2000 (Official Gazette of the Republic of Slovenia No. 66/00), the Constitutional Act of 27 February 2003 (Official Gazette of the Republic of Slovenia No. 24/03), the Constitutional Acts of 15 June 2004 (Official Gazette of the Republic of Slovenia No. 69/04), the Constitutional Act of 20 June 2006 (Official Gazette of the Republic of Slovenia No. 68/06), the Constitutional Acts of 24 May 2013 (Official Gazette of the Republic of Slovenia No. 47/13), the Constitutional Act of 17 November 2016 (Official Gazette of the Republic of Slovenia No. 75/16), and the Constitutional Act of 27 May 2021 (Official Gazette of the Republic of Slovenia No. 92/21).



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# Ustava je ...

... temeljni zakon države. Tako jedrnato pravi Slovar slovenskega knjižnega jezika. Pravniki so natančnejši in definirajo ustavo kot »najvišji pravni predpis, ki določa temeljna načela in oblike družbene, politične in gospodarske ureditve države«. V angleških slovarjih med drugim preberemo, da je »ustava nabor političnih načel, s pomočjo katerih je vodena posamezna država oz. (družbena) organizacija, s poudarkom na odnosih in pravicah ljudi, ki jih vodi«. Nemci gledajo na ustavo kot na *temeljni zakon* (*Grundgesetz*), ki je nad vsemi drugimi zakoni države. Temeljni členi nemške ustave, sprejete leta 1949, pa poudarjajo, da je ustava predvsem okvir, ki zagotavlja pogoje svobodnega življenja. Jasno in presetljivo preprosto, še posebej v primerjavi z avstrijsko razlago. Ta se pod vplivom ustave nekdanje monarhije osredotoča na državniško ravnanje (*staatliches Handeln*), sprejemanje zakonov in izvajanje politične oblasti. Tako nemški kot avstrijski ustavodajalci pa so želeli uravnotežiti pravnonormativne, organizacijsko-sistemske in simbolnopomenske vidike pravil, ki naj bi zagotovili pravice, dolžnosti, predvsem pa svobodo državljanek in državljanov.

Ta uravnotežena skrb za svobodo se lepo izraža v določilih, ki uravnavajo delovanje znanosti. Ta po svoji naravi ne sme in ne more biti omejena, kar je mogoče razbrati že iz ustave avstro-ogrske monarhije, v kateri med drugim piše tudi, da so tako znanost kot njena spoznanja oz. nauki svobodni. Za dejavnost, katere osnovno vodilo je dvom, je to malodane samoumevno. Podobno samoumevna in zato tudi posebej zaščiten je svoboda umetniške ustvarjalnosti. V Avstriji so še posebej ponosni, da so to leta 1982 v ustavi tudi posebej opredelili ter tako »manifestativno in vseobsegajoče« zaščitili umetnost.

Prebivalke in prebivalci Slovenije smo sledili podobnim izhodiščem. Zaradi izkušenj s 133. členom Kazenskega zakonika Socialistične federativne republike Jugoslavije, ki je omejevala svobodo govora, so si sestavljavci Ustave Republike Slovenije prizadevali za to, da bo svoboda izražanja političnih stališč še posebej zavarovana. Po 39. členu Ustave Republike Slovenije je

*»zagotovljena svoboda izražanja misli, govora in javnega nastopanja, tiska in drugih oblik javnega obveščanja in izražanja. Vsakdo lahko svobodno zbira, sprejema in širi vesti in mnenja.*

*Vsakdo ima pravico dobiti informacijo javnega značaja, za katero ima v zakonu utemeljen pravni interes, razen v primerih, ki jih določa zakon.«*

V tem členu, kakor tudi v duhu celotnega temeljnega zakona se v Ustavi RS združuje libertarna tradicija Združenega kraljestva (ki sicer ustave sploh nima) in kontinentalna tradicija, ki gradi na uravnoteženosti normativnih, sistemskih in organizacijskih vidikov.

Ustava RS je prvenstveno namenjena prebivalkam in prebivalcem Slovenije. In podobno kot vsaka druga knjiga je tudi ustava orožje, ki ga je, tako Bertolt Brecht, treba kdaj pa kdaj vzeti v roke. Še posebej, ko so ogrožena njena osnovna načela.

Oto Luthar





Izhajajoč iz volje slovenskega naroda in prebivalcev Republike Slovenije, izražene na plebiscitu o samostojnosti in neodvisnosti Republike Slovenije dne 23. decembra 1990,

upoštevajoč dejstvo, da je bila Republika Slovenija država že po doslej veljavni ustavni ureditvi in je le del svojih suverenih pravic uresničevala v Socialistični federativni republiki Jugoslaviji,

ob dejstvu, da SFRJ ne deluje kot pravno urejena država in se v njej hudo kršijo človekove pravice, nacionalne pravice in pravice republik in avtonomnih pokrajin,

ob dejstvu, da federativna ureditev Jugoslavije ne omogoča rešitve politične in gospodarske krize in da med jugoslovanskimi republikami ni prišlo do sporazuma, ki bi omogočil osamosvojitve republik ob sočasnem preoblikovanju jugoslovanske zvezne države v zvezo suverenih držav,

ob trdni odločenosti, da Republika Slovenija spoštuje enake pravice drugih jugoslovanskih republik ter z njimi enakopravno, demokratično in po mirni poti postopno ureja vsa vprašanja iz dosedanjega skupnega življenja, spoštuje njihovo suverenost in ozemeljsko celovitost,

ter ob pripravljenosti, da se bo z drugimi jugoslovanskimi republikami kot samostojna in neodvisna država tudi v prihodnje dogovarjala o institucionalnih in drugih povezavah,

sprejema

Skupščina Republike Slovenije na skupni seji vseh zborov dne 25. junija 1991 na podlagi ustavnih amandmajev LXVIII, LXXII in XCIX k ustavi Republike Slovenije ter v skladu s 4. členom zakona o plebiscitu o samostojnosti in neodvisnosti Republike Slovenije

Temeljno ustavno listino  
o samostojnosti in neodvisnosti  
Republike Slovenije

# TEMELJNA USTAVNA LISTINA O SAMOSTOJNOSTI IN NEODVISNOSTI REPUBLIKE SLOVENIJE

## I

Republika Slovenija je samostojna in neodvisna država. Za Republiko Slovenijo preneha veljati ustava SFRJ. Republika Slovenija prevzema vse pravice in dolžnosti, ki so bile z ustavo Republike Slovenije in ustavo SFRJ prenesene na organe SFRJ.

Prevzem izvrševanja teh pravic in dolžnosti se uredi z ustavnim zakonom.

## II

Državne meje Republike Slovenije so mednarodno priznane državne meje dosedanje SFRJ z Republiko Avstrijo, z Republiko Italijo in Republiko Madžarsko v delu, v katerem te države mejijo na Republiko Slovenijo, ter meja med Republiko Slovenijo in Republiko Hrvaško v okviru dosedanje SFRJ.

### III

Republika Slovenija zagotavlja varstvo človekovih pravic in temeljnih svoboščin vsem osebam na ozemlju Republike Slovenije, ne glede na njihovo narodno pripadnost, brez sleherne diskriminacije, skladno z ustavo Republike Slovenije in z veljavnimi mednarodnimi pogodbami.

Italijanski in madžarski narodni skupnosti v Republiki Sloveniji in njunim pripadnikom so zagotovljene vse pravice iz ustave Republike Slovenije in veljavnih mednarodnih pogodb.

### IV

Za izvedbo tega ustavnega akta se sprejme ustavni zakon na skupni seji vseh zborov Skupščine Republike Slovenije z dvotretjinsko večino delegatov vseh zborov.

### V

Ta ustavni akt začne veljati z razglasitvijo na skupni seji vseh zborov Skupščine Republike Slovenije.

Izhajajoč iz

Temeljne ustavne listine o samostojnosti in neodvisnosti Republike Slovenije, ter

temeljnih človekovih pravic in svoboščin, temeljne in trajne pravice slovenskega naroda do samoodločbe, in iz zgodovinskega dejstva, da smo Slovenci v več stoletnem boju za narodno osvoboditev izoblikovali svojo narodno samobitnost in uveljavili svojo državnost,

sprejema Skupščina Republike Slovenije

Ustavo Republike Slovenije



# **USTAVA REPUBLIKE SLOVENIJE**

(neuradno prečiščeno besedilo)

## **I. SPLOŠNE DOLOČBE**

### **1. člen**

Slovenija je demokratična republika.

### **2. člen**

Slovenija je pravna in socialna država.

## **3. člen**

Slovenija je država vseh svojih državljanek in državljanov, ki temelji na trajni in neodtujljivi pravici slovenskega naroda do samoodločbe.

V Sloveniji ima oblast ljudstvo. Državljanke in državljanji jo izvršujejo neposredno in z volitvami, po načelu delitve oblasti na zakonodajno, izvršilno in sodno.

### **3.a člen**

Slovenija lahko z mednarodno pogodbo, ki jo ratificira državni zbor z dvotretjinsko večino glasov vseh poslancev, prenese izvrševanje dela suverenih pravic na mednarodne organizacije, ki temeljijo na spoštovanju človekovih pravic in temeljnih svoboščin, demokracije in načel pravne države, ter vstopi v obrambno zvezo z državami, ki temeljijo na spoštovanju teh vrednot.

Pred ratifikacijo mednarodne pogodbe iz prejšnjega odstavka lahko državni zbor razpiše referendum. Predlog je na referendumu sprejet, če zanj glasuje večina volivcev, ki so veljavno glasovali. Državni zbor je vezan na izid referenduma. Če je bil referendum izveden, glede



zakona o ratifikaciji take mednarodne pogodbe referendumu ni dopustno razpisati.

Pravni akti in odločitve, sprejeti v okviru mednarodnih organizacij, na katere Slovenija prenese izvrševanje dela suverenih pravic, se v Sloveniji uporabljajo v skladu s pravno ureditvijo teh organizacij.

V postopkih sprejemanja pravnih aktov in odločitev v mednarodnih organizacijah, na katere Slovenija prenese izvrševanje dela suverenih pravic, vlada sproti obvešča državni zbor o predlogih takih aktov in odločitev ter o svoji dejavnosti. Državni zbor lahko o tem sprejema stališča, vlada pa jih upošteva pri svojem delovanju. Razmerja med državnim zborom in vlado iz tega odstavka podrobneje ureja zakon, ki se sprejme z dvotretjinsko večino glasov navzočih poslancev.

## **4. člen**

Slovenija je ozemeljsko enotna in nedeljiva država.

## 5. člen

Država na svojem ozemlju varuje človekove pravice in temeljne svoboščine. Varuje in zagotavlja pravice avtohtone italijanske in madžarske narodne skupnosti. Skrbi za avtohtone slovenske narodne manjšine v sosednjih državah, za slovenske izseljence in zdomce, ter pospešuje njihove stike z domovino. Skrbi za ohranjanje naravnega bogastva in kulturne dediščine ter ustvarja možnosti za skladen civilizacijski in kulturni razvoj Slovenije.

Slovenci brez slovenskega državljanstva lahko uživajo v Sloveniji posebne pravice in ugodnosti. Vrsto in obseg teh pravic in ugodnosti določa zakon.

## 6. člen

Grb Slovenije ima obliko ščita. V sredini ščita je na modri podlagi lik Triglava v beli barvi, pod njim sta dve valoviti modri črti, ki ponazarjata morje in reke, nad njim pa so v obliki navzdol obrnjenega trikotnika razporejene tri zlate šesterokrake zvezde. Ščit je ob stranicah rdeče obrobjen. Grb se oblikuje po določenem geometrijskem in barvnem pravilu.

Zastava Slovenije je belo-modro-rdeča slovenska narodna zastava z grbom Slovenije. Razmerje med širino in dolžino zastave je ena proti dve. Barve zastave gredo po vrstnem redu: bela, modra, rdeča. Vsaka barva zavzema po širini tretjino prostora zastave. Grb je v levem gornjem delu zastave tako, da sega z eno polovico v belo polje, z drugo pa v modro.

Himna Slovenije je Zdravljica.

Uporabo grba, zastave in himne ureja zakon.

## **7. člen**

Država in verske skupnosti so ločene.

Verske skupnosti so enakopravne; njihovo delovanje je svobodno.

## **8. člen**

Zakoni in drugi predpisi morajo biti v skladu s splošno veljavnimi načeli mednarodnega prava in z mednarodnimi pogodbami, ki obvezujejo Slovenijo. Ratificirane in objavljene mednarodne pogodbe se uporabljajo neposredno.

## **9. člen**

V Sloveniji je zagotovljena lokalna samouprava.

## **10. člen**

Glavno mesto Slovenije je Ljubljana.

## **11. člen**

Uradni jezik v Sloveniji je slovenščina. Na območjih občin, v katerih živita italijanska ali madžarska narodna skupnost, je uradni jezik tudi italijanščina ali madžarščina.

## **12. člen**

Državljanstvo Slovenije ureja zakon.

## **13. člen**

Tujci imajo v Sloveniji v skladu z mednarodnimi pogodbami vse pravice, zagotovljene s to ustavo in z zakoni, razen tistih, ki jih imajo po ustavi ali po zakonu samo državljani Slovenije.

## II. ČLOVEKOVE PRAVICE IN TEMELJNE SVOBOŠČINE

### **14. člen (enakost pred zakonom)**

V Sloveniji so vsakomur zagotovljene enake človekove pravice in temeljne svoboščine, ne glede na narodnost, raso, spol, jezik, vero, politično ali drugo prepričanje, gmotno stanje, rojstvo, izobrazbo, družbeni položaj, invalidnost ali katerokoli drugo osebno okoliščino.

Vsi so pred zakonom enaki.

### **15. člen (uresničevanje in omejevanje pravic)**

Človekove pravice in temeljne svoboščine se uresničujejo neposredno na podlagi ustave.

Z zakonom je mogoče predpisati način uresničevanja človekovih pravic in temeljnih svoboščin, kadar tako

določa ustava, ali če je to nujno zaradi same narave posamezne pravice ali svoboščine.

Človekove pravice in temeljne svoboščine so omejene samo s pravicami drugih in v primerih, ki jih določa ta ustava.

Zagotovljeni sta sodno varstvo človekovih pravic in temeljnih svoboščin ter pravica do odprave posledic njihove kršitve.

Nobene človekove pravice ali temeljne svoboščine, urejene v pravnih aktih, ki veljajo v Sloveniji, ni dopustno omejevati z izgovorom, da je ta ustava ne priznava ali da jo priznava v manjši meri.

## **16. člen (začasna razveljavitev in omejitev pravic)**

S to ustavo določene človekove pravice in temeljne svoboščine je izjemoma dopustno začasno razveljaviti ali omejiti v vojnem in izrednem stanju. Človekove pravice in temeljne svoboščine se smejo razveljaviti ali omejiti le za čas trajanja vojnega ali izrednega stanja, vendar v obsegu, ki ga tako stanje zahteva in tako, da sprejeti

ukrepi ne povzročajo neenakopravnosti, ki bi temeljila le na rasi, narodni pripadnosti, spolu, jeziku, veri, političnem ali drugem prepričanju, gmotnem stanju, rojstvu, izobrazbi, družbenem položaju ali katerikoli drugi osebni okoliščini.

Določba prejšnjega odstavka ne dopušča nobenega začasnega razveljavljanja ali omejevanja pravic, določenih v 17., 18., 21., 27., 28., 29. in 41. členu.

## **17. člen** **(nedotakljivost človekovega življenja)**

Človekovo življenje je nedotakljivo. V Sloveniji ni smrtne kazni.

## **18. člen** **(prepoved mučenja)**

Nihče ne sme biti podvržen mučenju, nečloveškemu ali ponižujočemu kaznovanju ali ravnanju. Na človeku je prepovedano delati medicinske ali druge znanstvene poskuse brez njegove svobodne privolitve.

## **19. člen (varstvo osebne svobode)**

Vsakdo ima pravico do osebne svobode.

Nikomur se ne sme vzeti prostost, razen v primerih in po postopku, ki ga določa zakon.

Vsakdo, ki mu je odvzeta prostost, mora biti v maternem jeziku ali v jeziku, ki ga razume, takoj obveščen o razlogih za odvzem prostosti. V čim krajšem času mu mora biti tudi pisno sporočeno, zakaj mu je bila prostost odvzeta. Takoj mora biti poučen o tem, da ni dolžan ničesar izjaviti, da ima pravico do takojšnje pravne pomoči zagovornika, ki si ga svobodno izbere, in o tem, da je pristojni organ na njegovo zahtevo dolžan o odvzemu prostosti obvestiti njegove bližnje.

## **20. člen (odreditev in trajanje pripora)**

Oseba, za katero obstaja utemeljen sum, da je storila kaznivo dejanje, se sme pripreti samo na podlagi odločbe sodišča, kadar je to neogibno potrebno za potek kazenskega postopka ali za varnost ljudi.



Ob priporu, najkasneje pa v 24 urah po njem, mora biti priprtemu vročena pisna, obrazložena odločba. Proti tej odločbi ima priprti pravico do pritožbe, o kateri mora sodišče odločiti v 48 urah. Pripor sme trajati samo toliko časa, dokler so za to dani zakonski razlogi, vendar največ tri mesece od dneva odvzema prostosti. Vrhovno sodišče sme pripor podaljšati še za nadaljnje tri mesece.

Če do izteka teh rokov obtožnica ni vložena, se obdolženec izpusti.

## **21. člen** **(varstvo človekove osebnosti** **in dostojanstva)**

Zagotovljeno je spoštovanje človekove osebnosti in njegovega dostojanstva v kazenskem in v vseh drugih pravnih postopkih, in prav tako med odvzemom prostosti in izvrševanjem kazni.

Prepovedano je vsakršno nasilje nad osebami, ki jim je prostost kakorkoli omejena, ter vsakršno izsiljevanje priznanj in izjav.

## **22. člen (enako varstvo pravic)**

Vsakomur je zagotovljeno enako varstvo njegovih pravic v postopku pred sodiščem in pred drugimi državnimi organi, organi lokalnih skupnosti in nosilci javnih pooblastil, ki odločajo o njegovih pravicah, dolžnostih ali pravnih interesih.

## **23. člen (pravica do sodnega varstva)**

Vsakdo ima pravico, da o njegovih pravicah in dolžnostih ter o obtožbah proti njemu brez nepotrebne odlašanja odloča neodvisno, nepristransko in z zakonom ustanovljeno sodišče.

Sodi mu lahko samo sodnik, ki je izbran po pravilih, vnaprej določenih z zakonom in s sodnim redom.

## **24. člen (javnost sojenja)**

Sodne obravnave so javne. Sodbe se izrekajo javno. Izjeme določa zakon.

## **25. člen (pravica do pravnega sredstva)**

Vsakomur je zagotovljena pravica do pritožbe ali drugega pravnega sredstva proti odločbam sodišč in drugih državnih organov, organov lokalnih skupnosti in nosilcev javnih pooblastil, s katerimi ti odločajo o njegovih pravicah, dolžnostih ali pravnih interesih.

## **26. člen (pravica do povračila škode)**

Vsakdo ima pravico do povračila škode, ki mu jo v zvezi z opravljanjem službe ali kakšne druge dejavnosti državnega organa, organa lokalne skupnosti ali nosilca javnih pooblastil s svojim protipravnim ravnanjem stori oseba ali organ, ki tako službo ali dejavnost opravlja.

Oškodovanec ima pravico, da v skladu z zakonom zahteva povračilo tudi neposredno od tistega, ki mu je škodo povzročil.

## **27. člen (domneva nedolžnosti)**

Kdor je obdolžen kaznivega ravnanja, velja za nedolžnega, dokler njegova krivda ni ugotovljena s pravno-močno sodbo.

## **28. člen (načelo zakonitosti v kazenskem pravu)**

Nihče ne sme biti kaznovan za dejanje, za katero ni zakon določil, da je kaznivo, in ni zanj predpisal kazni, še preden je bilo dejanje storjeno.

Dejanja, ki so kazniva, se ugotavljajo in kazni zanje izrekajo po zakonu, ki je veljal ob storitvi dejanja, razen če je novi zakon za storilca milejši.

## **29. člen (pravna jamstva v kazenskem postopku)**

Vsakomur, ki je obdolžen kaznivega dejanja, morajo biti ob popolni enakopravnosti zagotovljene tudi naslednje pravice:

- da ima primeren čas in možnosti za pripravo svoje obrambe;
- da se mu sodi v njegovi navzočnosti in da se brani sam ali z zagovornikom;
- da mu je zagotovljeno izvajanje dokazov v njegovo korist;
- da ni dolžan izpovedati zoper sebe ali svoje bližnje, ali priznati krivdo.

## **30. člen (pravica do rehabilitacije in odškodnine)**

Kdor je bil po krivem obsojen za kaznivo dejanje ali mu je bila prostost neutemeljeno odvzeta, ima pravico do rehabilitacije, do povrnitve škode, in druge pravice po zakonu.

## **31. člen (prepoved ponovnega sojenja o isti stvari)**

Nihče ne sme biti ponovno obsojen ali kaznovan zaradi kaznivega dejanja, za katero je bil kazenski postopek zoper njega pravnomočno ustavljen ali je bila obtožba zoper njega pravnomočno zavrnjena, ali je bil s pravnomočno sodbo oproščen ali obsojen.

## **32. člen (svoboda gibanja)**

Vsakdo ima pravico, da se prosto giblje in si izbira prebivališče, da zapusti državo in se vanjo kadarkoli vrne.

Ta pravica se sme omejiti z zakonom, vendar samo, če je to potrebno, da bi se zagotovil potek kazenskega postopka, da bi se preprečilo širjenje nalezljivih bolezni, se zavaroval javni red, ali če to zahtevajo interesi obrambe države.

Tujcem se na podlagi zakona lahko omeji vstop v državo in čas bivanja v njej.

### **33. člen (pravica do zasebne lastnine in dedovanja)**

Zagotovljena je pravica do zasebne lastnine in dedovanja.

### **34. člen (pravica do osebnega dostojanstva in varnosti)**

Vsakdo ima pravico do osebnega dostojanstva in varnosti.

### **35. člen (varstvo pravic zasebnosti in osebnostnih pravic)**

Zagotovljena je nedotakljivost človekove telesne in duševne celovitosti, njegove zasebnosti ter osebnostnih pravic.

## **36. člen (nedotakljivost stanovanja)**

Stanovanje je nedotakljivo.

Nihče ne sme brez odločbe sodišča proti volji stanovalca vstopiti v tuje stanovanje ali v druge tuje prostore, niti jih ne sme preiskovati.

Pri preiskavi ima pravico biti navzoč tisti, čigar stanovanje ali prostori se preiskujejo, ali njegov zastopnik.

Preiskava se sme opraviti samo v navzočnosti dveh prič.

Pod pogoji, ki jih določa zakon, sme uradna oseba brez odločbe sodišča vstopiti v tuje stanovanje ali v tuje prostore in izjemoma brez navzočnosti prič opraviti preiskavo, če je to neogibno potrebno, da lahko neposredno prime storilca kaznivega dejanja ali da se zavarujejo ljudje in premoženje.



## **37. člen (varstvo tajnosti pisem in drugih občil)**

Zagotovljena je tajnost pisem in drugih občil.

Samo zakon lahko predpiše, da se na podlagi odločbe sodišča za določen čas ne upošteva varstvo tajnosti pisem in drugih občil in nedotakljivost človekove zasebnosti, če je to nujno za uvedbo ali potek kazenskega postopka ali za varnost države.

## **38. člen (varstvo osebnih podatkov)**

Zagotovljeno je varstvo osebnih podatkov. Prepovedana je uporaba osebnih podatkov v nasprotju z namenom njihovega zbiranja.

Zbiranje, obdelovanje, namen uporabe, nadzor, in varstvo tajnosti osebnih podatkov določa zakon.

Vsakdo ima pravico seznaniti se z zbranimi osebnimi podatki, ki se nanašajo nanj, in pravico do sodnega varstva ob njihovi zlorabi.

## **39. člen (svoboda izražanja)**

Zagotovljena je svoboda izražanja misli, govora in javnega nastopanja, tiska in drugih oblik javnega obveščanja in izražanja. Vsakdo lahko svobodno zbira, sprejema in širi vesti in mnenja.

Vsakdo ima pravico dobiti informacijo javnega značaja, za katero ima v zakonu utemeljen pravni interes, razen v primerih, ki jih določa zakon.

## **40. člen (pravica do popravka in odgovora)**

Zagotovljena je pravica do popravka objavljenega obvestila, s katerim sta prizadeta pravica ali interes posameznika, organizacije ali organa, in prav tako je zagotovljena pravica do odgovora na objavljeno informacijo.

## **41. člen (svoboda vesti)**

Izpovedovanje vere in drugih opredelitev v zasebnem in javnem življenju je svobodno.

Nihče se ni dolžan opredeliti glede svojega verskega ali drugega prepričanja.

Starši imajo pravico, da v skladu s svojim prepričanjem zagotavljajo svojim otrokom versko in moralno vzgojo. Usmerjanje otrok glede verske in moralne vzgoje mora biti v skladu z otrokovo starostjo in zrelostjo ter z njegovo svobodo vesti, verske in druge opredelitve ali prepričanja.

## **42. člen (pravica do zbiranja in združevanja)**

Zagotovljena je pravica do mirnega zbiranja in do javnih zborovanj.

Vsakdo ima pravico, da se svobodno združuje z drugimi.

Zakonske omejitve teh pravic so dopustne, če to zahteva varnost države ali javna varnost ter varstvo pred širjenjem nalezljivih bolezni.

Poklicni pripadniki obrambnih sil in policije ne morejo biti člani političnih strank.

### **43. člen (volilna pravica)**

Volilna pravica je splošna in enaka.

Vsak državljan, ki je dopolnil 18 let, ima pravico voliti in biti voljen.

Zakon lahko določi, v katerih primerih in pod katerimi pogoji imajo volilno pravico tujci.

Zakon določi ukrepe za spodbujanje enakih možnosti moških in žensk pri kandidiranju na volitvah v državne organe in organe lokalnih skupnosti.

### **44. člen (sodelovanje pri upravljanju javnih zadev)**

Vsak državljan ima pravico, da v skladu z zakonom neposredno ali po izvoljenih predstavnikih sodeluje pri upravljanju javnih zadev.

## **45. člen (pravica do peticije)**

Vsak državljan ima pravico do vlaganja peticij in do drugih pobud splošnega pomena.

## **46. člen (pravica do ugovora vesti)**

Ugovor vesti je dopusten v primerih, ki jih določi zakon, če se s tem ne omejujejo pravice in svoboščine drugih oseb.

## **47. člen (izročitev)**

Državljana Slovenije ni dovoljeno izročiti ali predati, razen če obveznost izročitve ali predaje izhaja iz mednarodne pogodbe, s katero Slovenija v skladu z določbo prvega odstavka 3.a člena prenaša izvrševanje dela suverenih pravic na mednarodno organizacijo.

## **48. člen (pripežališče)**

V mejah zakona je priznana pravica pripetžališča tujim državljanom in osebam brez državljanstva, ki so preganjane zaradi zavzemanja za človekove pravice in temeljne svoboščine.

## **49. člen (svoboda dela)**

Zagotovljena je svoboda dela.

Vsakdo prosto izbira zaposlitev.

Vsakomur je pod enakimi pogoji dostopno vsako delovno mesto.

Prisilno delo je prepovedano.

## **50. člen (pravica do socialne varnosti)**

Državljeni imajo pod pogoji, določenimi z zakonom, pravico do socialne varnosti, vključno s pravico do pokojnine.

Država ureja obvezno zdravstveno, pokojninsko, invalidsko in drugo socialno zavarovanje ter skrbi za njihovo delovanje.

Vojnim veteranom in žrtvam vojnega nasilja je zagotovljeno posebno varstvo v skladu z zakonom.

## **51. člen (pravica do zdravstvenega varstva)**

Vsakdo ima pravico do zdravstvenega varstva pod pogoji, ki jih določa zakon.

Zakon določa pravice do zdravstvenega varstva iz javnih sredstev.

Nikogar ni mogoče prisiliti k zdravljenju, razen v primerih, ki jih določa zakon.

## **52. člen (pravice invalidov)**

Invalidom je v skladu z zakonom zagotovljeno varstvo ter usposabljanje za delo.

Otroci z motnjami v telesnem ali duševnem razvoju ter druge huje prizadete osebe imajo pravico do izobraževanja in usposabljanja za dejavno življenje v družbi.

Izobraževanje in usposabljanje iz prejšnjega odstavka se financira iz javnih sredstev.

## **53. člen** **(zakonska zveza in družina)**

Zakonska zveza temelji na enakopravnosti zakoncev. Sklene se pred pristojnim državnim organom.

Zakonsko zvezo in pravna razmerja v njej, v družini in v zunajzakonski skupnosti ureja zakon.

Država varuje družino, materinstvo, očetovstvo, otroke in mladino ter ustvarja za to varstvo potrebne razmere.

## **54. člen** **(pravice in dolžnosti staršev)**

Starši imajo pravico in dolžnost vzdrževati, izobraževati in vzgajati svoje otroke. Ta pravica in dolžnost



se staršem lahko odvzame ali omeji samo iz razlogov, ki jih zaradi varovanja otrokovih koristi določa zakon.

Otroci, rojeni zunaj zakonske zveze, imajo enake pravice kakor otroci, rojeni v njej.

## **55. člen** **(svobodno odločanje o rojstvih otrok)**

Odločanje o rojstvih svojih otrok je svobodno.

Država zagotavlja možnosti za uresničevanje te svoboščine in ustvarja razmere, ki omogočajo staršem, da se odločajo za rojstva svojih otrok.

## **56. člen** **(pravice otrok)**

Otroci uživajo posebno varstvo in skrb. Človekove pravice in temeljne svoboščine uživajo otroci v skladu s svojo starostjo in zrelostjo.

Otrokom se zagotavlja posebno varstvo pred gospodarskim, socialnim, telesnim, duševnim ali drugim izkoriščanjem in zlorabljanjem. Takšno varstvo ureja zakon.

Otroci in mladoletniki, za katere starši ne skrbijo, ki nimajo staršev ali so brez ustrezne družinske oskrbe, uživajo posebno varstvo države. Njihov položaj ureja zakon.

## **57. člen (izobrazba in šolanje)**

Izobraževanje je svobodno.

Osnovnošolsko izobraževanje je obvezno in se financira iz javnih sredstev.

Država ustvarja možnosti, da si državljani lahko pridobijo ustrezno izobrazbo.

## **58. člen (avtonomnost univerze in drugih visokih šol)**

Državne univerze in državne visoke šole so avtonomne. Način njihovega financiranja ureja zakon.

## **59. člen (svoboda znanosti in umetnosti)**

Zagotovljena je svoboda znanstvenega in umetniškega ustvarjanja.

## **60. člen (pravice iz ustvarjalnosti)**

Zagotovljeno je varstvo avtorskih in drugih pravic, ki izvirajo iz umetniške, znanstvene, raziskovalne in izumiteljske dejavnosti.

## **61. člen (izražanje narodne pripadnosti)**

Vsakdo ima pravico, da svobodno izraža pripadnost k svojemu narodu ali narodni skupnosti, da goji in izraža svojo kulturo in uporablja svoj jezik in pisavo.

## **62. člen (pravica do uporabe svojega jezika in pisave)**

Vsakdo ima pravico, da pri uresničevanju svojih pravic in dolžnosti ter v postopkih pred državnimi in drugimi organi, ki opravljajo javno službo, uporablja svoj jezik in pisavo na način, ki ga določi zakon.

### **62.a člen (znakovni jezik in jezik gluhoslepih)**

Zagotovljena sta svobodna uporaba in razvoj slovenskega znakovnega jezika. Na območjih občin, kjer sta uradna jezika tudi italijanščina ali madžarščina, je zagotovljena svobodna uporaba italijanskega in madžarskega znakovnega jezika. Uporabo teh jezikov in položaj njihovih uporabnikov ureja zakon.

Svobodno uporabo in razvoj jezika gluhoslepih ureja zakon.

## **63. člen (prepoved spodbujanja k neenakopravnosti in nestrpnosti ter prepoved spodbujanja k nasilju in vojni)**

Protiustavno je vsakršno spodbujanje k narodni, rasni, verski ali drugi neenakopravnosti ter razpihovanje narodnega, rasnega, verskega ali drugega sovraštva in nestrpnosti.

Protiustavno je vsakršno spodbujanje k nasilju in vojni.

## **64. člen (posebne pravice avtohtone italijanske in madžarske narodne skupnosti v Sloveniji)**

Avtohtoni italijanski in madžarski narodni skupnosti ter njunim pripadnikom je zagotovljena pravica, da svobodno uporabljajo svoje narodne simbole in da za ohranjanje svoje narodne identitete ustanovljajo organizacije, razvijajo gospodarske, kulturne in znanstvenorazis-

kovalne dejavnosti ter dejavnosti na področju javnega obveščanja in založništva. V skladu z zakonom imata ti narodni skupnosti in njuni pripadniki pravico do vzgoje in izobraževanja v svojem jeziku ter do oblikovanja in razvijanja te vzgoje in izobraževanja. Zakon določa območja, na katerih je dvojezično šolstvo obvezno. Narodnima skupnostima in njunim pripadnikom je zagotovljena pravica, da gojijo odnose s svojima matičnima narodoma in njunima državama. Država gmotno in moralno podpira uveljavljanje teh pravic.

Na območjih, kjer ti skupnosti živita, ustanovijo njuni pripadniki za uresničevanje svojih pravic svoje samoupravne skupnosti. Na njihov predlog lahko država pooblasti samoupravne narodne skupnosti za opravljanje določenih nalog iz državne pristojnosti ter zagotavlja sredstva za njihovo uresničevanje.

Narodni skupnosti sta neposredno zastopani v predstavniških organih lokalne samouprave in v državnem zboru.

Zakon ureja položaj in način uresničevanja pravic italijanske oziroma madžarske narodne skupnosti na območjih, kjer živita, obveznosti samoupravnih lokalnih skupnosti za uresničevanje teh pravic, ter tiste pravice, ki jih pripadniki teh narodnih skupnosti uresničujejo tudi

zunaj teh območij. Pravice obeh narodnih skupnosti ter njihovih pripadnikov so zagotovljene ne glede na število pripadnikov teh skupnosti.

Zakoni, drugi predpisi in splošni akti, ki zadevajo uresničevanje v ustavi določenih pravic in položaja zgolj narodnih skupnosti, ne morejo biti sprejeti brez soglasja predstavnikov narodnih skupnosti.

## **65. člen**

### **(položaj in posebne pravice romske skupnosti v Sloveniji)**

Položaj in posebne pravice romske skupnosti, ki živi v Sloveniji, ureja zakon.

# III. GOSPODARSKA IN SOCIALNA RAZMERJA

## **66. člen (varstvo dela)**

Država ustvarja možnosti za zaposlovanje in za delo ter zagotavlja njuno zakonsko varstvo.

## **67. člen (lastnina)**

Zakon določa način pridobivanja in uživanja lastnine tako, da je zagotovljena njena gospodarska, socialna in ekološka funkcija.

Zakon določa način in pogoje dedovanja.



## **68. člen** **(lastninska pravica tujcev)**

Tujci lahko pridobijo lastninsko pravico na nepremičninah pod pogoji, ki jih določa zakon ali mednarodna pogodba, ki jo ratificira državni zbor.

## **69. člen** **(razlastitev)**

Lastninska pravica na nepremičnini se lahko v javno korist odvzame ali omeji proti nadomestilu v naravi ali proti odškodnini pod pogoji, ki jih določa zakon.

## **70. člen** **(javno dobro in naravna bogastva)**

Na javnem dobru se lahko pridobi posebna pravica uporabe pod pogoji, ki jih določa zakon.

Zakon določa pogoje, pod katerimi se smejo izkoriščati naravna bogastva.

Zakon lahko določi, da smejo naravna bogastva izkoriščati tudi tuje osebe, in določi pogoje za izkoriščanje.

## **70.a člen (pravica do pitne vode)**

Vsakdo ima pravico do pitne vode.

Vodni viri so javno dobro v upravljanju države.

Vodni viri služijo prednostno in trajnostno oskrbi prebivalstva s pitno vodo in z vodo za oskrbo gospodinjstev in v tem delu niso tržno blago.

Oskrbo prebivalstva s pitno vodo in z vodo za oskrbo gospodinjstev zagotavlja država preko samoupravnih lokalnih skupnosti neposredno in neprofitno.

## **71. člen (varstvo zemljišč)**

Zakon določa zaradi smotrnega izkoriščanja posebne pogoje za uporabo zemljišč.

Zakon določa posebno varstvo kmetijskih zemljišč.

Država skrbi za gospodarski, kulturni in socialni napredek prebivalstva na gorskih in hribovitih območjih.

## **72. člen (zdravo življenjsko okolje)**

Vsakdo ima v skladu z zakonom pravico do zdravega življenjskega okolja.

Država skrbi za zdravo življenjsko okolje. V ta namen zakon določa pogoje in načine za opravljanje gospodarskih in drugih dejavnosti.

Zakon določa, ob katerih pogojih in v kakšnem obsegu je povzročitelj škode v življenjskem okolju dolžan poravnati škodo. Varstvo živali pred mučenjem ureja zakon.

## **73. člen (varovanje naravne in kulturne dediščine)**

Vsakdo je dolžan v skladu z zakonom varovati naravne znamenitosti in redkosti ter kulturne spomenike.

Država in lokalne skupnosti skrbijo za ohranjanje naravne in kulturne dediščine.

## **74. člen (podjetništvo)**

Gospodarska pobuda je svobodna.

Zakon določa pogoje za ustanavljanje gospodarskih organizacij. Gospodarska dejavnost se ne sme izvajati v nasprotju z javno koristjo.

Prepovedana so dejanja nelojalne konkurence in dejanja, ki v nasprotju z zakonom omejujejo konkurenco.

## **75. člen (soodločanje)**

Delavci sodelujejo pri upravljanju v gospodarskih organizacijah in zavodih na način in pod pogoji, ki jih določa zakon.

## **76. člen (sindikalna svoboda)**

Ustanavljanje in delovanje sindikatov ter včlanjevanje vanje je svobodno.

## **77. člen (pravica do stavke)**

Delavci imajo pravico do stavke.

Če to zahteva javna korist, se lahko pravica do stavke, upoštevajoč vrsto in naravo dejavnosti, z zakonom omeji.

## **78. člen (primerno stanovanje)**

Država ustvarja možnosti, da si državljani lahko pridobijo primerno stanovanje.

## **79. člen (v Sloveniji zaposleni tujci)**

V Sloveniji zaposleni tujci in člani njihovih družin imajo posebne pravice, določene z zakonom.

# IV. DRŽAVNA UREDITEV

## a) Državni zbor

### **80. člen (sestava in volitve)**

Državni zbor sestavljajo poslanci državljanov Slovenije in šteje 90 poslancev.

Poslanci se volijo s splošnim, enakim, neposrednim in tajnim glasovanjem.

V državni zbor se vedno izvoli po en poslanec italijanske in madžarske narodne skupnosti.

Volilni sistem ureja zakon, ki ga sprejme državni zbor z dvotretjinsko večino glasov vseh poslancev.

Poslanci, razen poslancev narodnih skupnosti, se volijo po načelu sorazmernega predstavnštva ob štiri-odstotnem volilnem pragu za vstop v Državni zbor, pri čemer imajo volivci odločilen vpliv na dodelitev mandatov kandidatom.

## **81. člen (mandatna doba državnega zbora)**

Državni zbor se voli za štiri leta.

Če bi se mandatna doba državnega zbora iztekla med vojno ali v času trajanja izrednega stanja, preneha njegov mandat šest mesecev po prenehanju vojne ali izrednega stanja, lahko pa tudi prej, če sam tako sklene.

Volitve v državni zbor razpiše predsednik republike. Nov državni zbor se izvoli najprej dva meseca in najkasneje 15 dni pred potekom štirih let od prve seje prejšnjega državnega zbora. Če se državni zbor razpusti, se izvoli nov najkasneje dva meseca po razpustu prejšnjega. Mandatna doba prejšnjega državnega zbora se konča s prvo sejo novega državnega zbora, ki jo skliče predsednik republike najkasneje 20 dni po njegovi izvolitvi.

## **82. člen (poslanci)**

Poslanci so predstavniki vsega ljudstva in niso vezani na kakršnakoli navodila.

Zakon določa, kdo ne sme biti izvoljen za poslanca, ter nezdržljivost funkcije poslanca z drugimi funkcijami in dejavnostmi.

Državni zbor potrdi poslanske mandate. Proti odločitvi državnega zbora je v skladu z zakonom mogoča pritožba na ustavno sodišče.

## **83. člen (poslanska imuniteta)**

Poslanec državnega zbora ni kazensko odgovoren za mnenje ali glas, ki ga je izrekel na sejah državnega zbora ali njegovih delovnih teles.

Poslanec ne sme biti priprt niti se zoper njega, če se sklicuje na imuniteto, ne sme začeti kazenski postopek brez dovoljenja državnega zbora, razen če je bil zaloten pri kaznivem dejanju, za katero je predpisana kazen zopora nad pet let.

Državni zbor lahko prizna imuniteto tudi poslancu, ki se nanjo ni skliceval ali ki je bil zaloten pri kaznivem dejanju iz prejšnjega odstavka.



## **84. člen (predsednik državnega zbora)**

Državni zbor ima predsednika, ki ga izvoli z večino glasov vseh poslancev.

## **85. člen (zasedanja državnega zbora)**

Državni zbor dela na rednih in izrednih sejah.

Redne in izredne seje sklicuje predsednik državnega zbora; izredno sejo mora sklicati, če to zahteva najmanj četrtnina poslancev državnega zbora ali predsednik republike.

## **86. člen (odločanje)**

Državni zbor sklepa, če je na seji navzoča večina poslancev. Državni zbor sprejema zakone in druge odločitve ter ratificira mednarodne pogodbe z večino opredeljenih glasov navzočih poslancev, kadar ni z ustavo ali z zakonom določena drugačna večina.

## **87. člen (zakonska pristojnost državnega zbora)**

Pravice in obveznosti državljanov ter drugih oseb lahko državni zbor določa samo z zakonom.

## **88. člen (zakonska iniciativa)**

Zakone lahko predlaga vlada ali vsak poslanec. Zakon lahko predloži tudi najmanj pet tisoč volilcev.

## **89. člen (zakonodajni postopek)**

Državni zbor sprejema zakone v večfaznem postopku, če ni s poslovníkom drugače določeno.

## 90. člen (zakonodajni referendum)

Državni zbor razpiše referendum o uveljavitvi zakona, ki ga je sprejel, če to zahteva najmanj štirideset tisoč volivcev.

Referenduma ni dopustno razpisati:

- o zakonih o nujnih ukrepih za zagotovitev obrambe države, varnosti ali odprave posledic naravnih nesreč,
- o zakonih o davkih, carinah in drugih obveznih dajatvah ter o zakonu, ki se sprejema za izvrševanje državnega proračuna,
- o zakonih o ratifikaciji mednarodnih pogodb,
- o zakonih, ki odpravljajo protiustavnost na področju človekovih pravic in temeljnih svoboščin ali drugo protiustavnost.

Pravico glasovanja na referendumu imajo vsi državljani, ki imajo volilno pravico.

Zakon je na referendumu zavržen, če proti njemu glasuje večina volivcev, ki so veljavno glasovali, pod pogojem, da proti zakonu glasuje najmanj petina vseh volivcev.

Referendum se ureja z zakonom, ki ga sprejme državni zbor z dvotretjinsko večino glasov navzočih poslancev.

## **91. člen (razglasitev zakona)**

Zakone razglašča predsednik republike najkasneje 8 dni po njihovem sprejemu.

Državni svet lahko v sedmih dneh od sprejetja zakona in še pred njegovo razglasitvijo zahteva, da državni zbor o njem še enkrat odloča. Pri ponovnem odločanju mora za sprejem zakona glasovati večina vseh poslancev, razen če ustava za sprejem obravnavanega zakona predvideva večje število glasov. Ponovna odločitev državnega zbora je dokončna.

## **92. člen (vojno in izredno stanje)**

Izredno stanje se razglasi, kadar velika in splošna nevarnost ogroža obstoj države. O razglasitvi vojnega ali izrednega stanja, nujnih ukrepih in njihovi odpravi odloča na predlog vlade državni zbor.

Državni zbor odloči o uporabi obrambnih sil.

Kadar se državni zbor ne more sestati, odloča o zadevah iz prvega in drugega odstavka predsednik

republike. Odločitve mora dati v potrditev državnemu zboru takoj, ko se ta sestane.

### **93. člen** **(parlamentarna preiskava)**

Državni zbor lahko odredi preiskavo o zadevah javnega pomena, mora pa to storiti na zahtevo tretjine poslancev državnega zbora ali na zahtevo državnega sveta. V ta namen imenuje komisijo, ki ima v zadevah poizvedovanja in preučevanja smiselno enaka pooblastila kakor pravosodni organi.

### **94. člen** **(poslovnik državnega zbora)**

Državni zbor ima poslovnik, ki ga sprejme z dvo-tretjinsko večino glasov navzočih poslancev.

## **95. člen (nagrajevanje poslancev)**

Poslanci državnega zbora dobivajo plačo ali nadomestilo, ki sta določeni z zakonom.

## **b) Državni svet**

### **96. člen (sestava)**

Državni svet je zastopstvo nosilcev socialnih, gospodarskih, poklicnih in lokalnih interesov. Državni svet ima 40 članov.

Sestavljajo ga:

- štirje predstavniki delodajalcev;
  - štirje predstavniki delojemalcev;
  - štirje predstavniki kmetov, obrtnikov in samostojnih poklicev;
  - šest predstavnikov negospodarskih dejavnosti;
  - dvaindvajset predstavnikov lokalnih interesov.
- Organizacijo državnega sveta ureja zakon.

## **97. člen (pristojnosti državnega sveta)**

Državni svet lahko:

- predlaga državnemu zboru sprejem zakonov;
- daje državnemu zboru mnenje o vseh zadevah iz njegove pristojnosti;
- zahteva, da državni zbor pred razglasitvijo kakega zakona o njem še enkrat odloča;
- (črtana);
- zahteva preiskavo o zadevah javnega pomena iz 93. člena.

Na zahtevo državnega zbora mora državni svet izreči mnenje o posamezni zadevi.

## **98. člen (volitve)**

Volitve v državni svet ureja zakon, ki ga sprejme državni zbor z dvotretjinsko večino glasov vseh poslancev.

Člani državnega sveta se volijo za dobo petih let.

## **99. člen (odločanje)**

Državni svet sklepa, če je na seji navzoča večina članov.

Državni svet odloča z večino opredeljenih glasov navzočih članov.

## **100. člen (nezdružljivost funkcije in imuniteta)**

Član državnega sveta ne sme biti hkrati poslanec v državnem zboru.

Člani državnega sveta uživajo enako imuniteto kakor poslanci. O imuniteti odloča državni svet.

## **101. člen (poslovnik državnega sveta)**

Državni svet ima poslovnik, ki ga sprejme z večino glasov vseh članov.



# c) Predsednik republike

## **102. člen (funkcija predsednika republike)**

Predsednik republike predstavlja Republiko Slovenijo in je vrhovni poveljnik njenih obrambnih sil.

## **103. člen (volitve predsednika republike)**

Predsednik republike se izvoli na neposrednih, splošnih in tajnih volitvah.

Za predsednika republike je kandidat izvoljen z večino veljavnih glasov.

Predsednik republike je izvoljen za dobo petih let, vendar največ dvakrat zaporedoma. Če se mandatna doba predsednika republike izteče med vojno ali med trajanjem izrednega stanja, mu mandat preneha šest mesecev po prenehanju vojnega ali izrednega stanja.

Za predsednika republike je lahko izvoljen le državljan Slovenije.

Volitve za predsednika republike razpiše predsednik državnega zbora. Predsednik republike mora biti izvoljen najkasneje 15 dni pred potekom mandatne dobe prejšnjega predsednika.

## **104. člen (prisega predsednika republike)**

Pred nastopom funkcije izreče predsednik republike pred državnim zborom naslednjo prisego:

»Prisegam, da bom spoštoval(a) ustavni red, da bom ravnal(a) po svoji vesti in z vsemi svojimi močmi deloval(a) za blaginjo Slovenije.«

## **105. člen (nezdružljivost funkcije predsednika republike)**

Funkcija predsednika republike je nezdružljiva z opravljanjem druge javne funkcije ali poklica.

## **106. člen** **(nadomeščanje predsednika republike)**

V primeru trajnega zadržka, smrti, odstopa ali drugega prenehanja predsednikove funkcije do izvolitve novega predsednika funkcijo predsednika republike začasno opravlja predsednik državnega zbora. V tem primeru je treba razpisati volitve za novega predsednika republike najkasneje v 15 dneh po prenehanju funkcije prejšnjega.

Predsednik državnega zbora začasno opravlja funkcijo predsednika republike tudi med zadržanostjo predsednika republike.

## **107. člen** **(pristojnosti predsednika republike)**

Predsednik republike:

- razpisuje volitve v državni zbor;
- razglša zakone;
- imenuje državne funkcionarje, kadar je to določeno z zakonom;
- postavlja in odpoklicuje veleposlanike in poslanike

republike in sprejema poverilna pisma tujih diplomatskih predstavnikov;

- izdaja listine o ratifikaciji;
- odloča o pomilostitvah;
- podeljuje odlikovanja in častne naslove;
- opravlja druge zadeve, določene s to ustavo.

Na zahtevo državnega zbora mora predsednik republike izreči mnenje o posameznem vprašanju.

## **108. člen (uredbe z zakonsko močjo)**

Kadar se državni zbor zaradi izrednega stanja ali vojne ne more sestati, lahko predsednik republike na predlog vlade izdaja uredbe z zakonsko močjo.

Z uredbo z zakonsko močjo se lahko izjemoma omejijo posamezne pravice in temeljne svoboščine, kakor to določa 16. člen te ustave.

Predsednik republike mora uredbe z zakonsko močjo predložiti v potrditev državnemu zboru takoj, ko se ta sestane.

## **109. člen (odgovornost predsednika republike)**

Če predsednik republike pri opravljanju svoje funkcije krši ustavo ali huje krši zakon, ga državni zbor lahko obtoži pred ustavnim sodiščem. Le-to ugotovi utemeljenost obtožbe ali obtoženega oprosti, z dvotretjinsko večino glasov vseh sodnikov pa lahko odloči o odvzemu funkcije. Potem ko ustavno sodišče dobi sklep državnega zbora o obtožbi, lahko odloči, da predsednik republike do odločitve o obtožbi začasno ne more opravljati svoje funkcije.

## **č) Vlada**

### **110. člen (sestava vlade)**

Vlado sestavljajo predsednik in ministri. Vlada in posamezni ministri so v okviru svojih pristojnosti samostojni in odgovorni državnemu zboru.

## **111. člen (volitve predsednika vlade)**

Predsednik republike po posvetovanjih z vodji poslanskih skupin predloži državnemu zboru kandidata za predsednika vlade.

Predsednika vlade voli državni zbor z večino glasov vseh poslancev, če ni s to ustavo drugače določeno. Glasovanje je tajno.

Če kandidat ne dobi potrebne večine glasov, lahko predsednik republike po ponovnih posvetovanjih v štirinajstih dneh predloži drugega ali ponovno istega, kandidata, prav tako pa lahko predlagajo kandidate tudi poslanske skupine ali najmanj deset poslancev. Če je bilo v tem roku vloženi več predlogov, se glasuje o vsakem posebej, in sicer najprej o kandidatu predsednika republike, če ta ni izvoljen, pa še o drugih kandidatih po vrstnem redu vložitev predlogov.

Če ni izvoljen noben kandidat, predsednik republike razpusti državni zbor in razpiše nove volitve, razen če državni zbor v osemindesetih urah z večino opredeljenih glasov navzočih poslancev ne sklene izvesti ponovne volitve predsednika vlade, kjer zadošča za izvolitev večina opredeljenih glasov navzočih poslancev. Na

ponovnih volitvah se glasuje o posameznih kandidatih po vrstnem redu števila glasov, dobljenih pri prejšnjih glasovanjih, nato pa o novih, do volitev vloženih kandidaturah, med katerimi ima prednost morebitni kandidat predsednika republike.

Če tudi pri teh volitvah noben kandidat ne dobi potrebne večine glasov, predsednik republike razpusti državni zbor in razpiše nove volitve.

## **112. člen (imenovanje ministrov)**

Ministre imenuje in razrešuje državni zbor na predlog predsednika vlade.

Predlagani minister se mora pred imenovanjem predstaviti pristojni komisiji državnega zbora in odgovarjati na njena vprašanja.

## **113. člen (prisega vlade)**

Predsednik vlade in ministri izrečejo po izvolitvi oziroma po imenovanju pred državnim zborom prisego, določeno s 104. členom.

## **114. člen (organizacija vlade)**

Predsednik vlade skrbi za enotnost politične in upravne usmeritve vlade ter usklajuje delo ministrov. Ministri so skupno odgovorni za delo vlade, vsak minister pa za delo svojega ministrstva.

Sestavo in delovanje vlade, število, pristojnosti in organizacijo ministrstev ureja zakon.

## **115. člen (prenehanje funkcije predsednika in ministrov vlade)**

Funkcija predsednika vlade in ministrov preneha, ko se po volitvah sestane nov državni zbor, funkcija ministrov pa tudi z vsakim drugim prenehanjem funkcije predsednika vlade ter z razrešitvijo ali odstopom ministra, morajo pa opravljati tekoče posle do izvolitve novega predsednika vlade oziroma do imenovanja novih ministrov.



## **116. člen (nezaupnica vladi)**

Državni zbor lahko izglasuje nezaupnico vladi le tako, da na predlog najmanj desetih poslancev z večino glasov vseh poslancev izvoli novega predsednika vlade. S tem je dotedanji predsednik vlade razrešen, mora pa skupaj s svojimi ministri opravljati tekoče posle do prisege nove vlade.

Med vložitvijo predloga za izvolitev novega predsednika vlade in volitvami mora poteči najmanj osemindeset ur, razen če državni zbor z dvotretjinsko večino glasov vseh poslancev ne sklene drugače, ali če je država v vojnem ali izrednem stanju.

Če je bil predsednik vlade izvoljen na temelju četrtega odstavka 111. člena, mu je izrečena nezaupnica, če državni zbor na predlog najmanj desetih poslancev izvoli novega predsednika vlade z večino opredeljenih glasov.

## **117. člen (zaupnica vladi)**

Predsednik vlade lahko zahteva glasovanje o zaupnici vladi. Če vlada ne dobi podpore večine glasov vseh

poslancev, mora državni zbor v tridesetih dneh izvoliti novega predsednika vlade ali dotedanjemu predsedniku pri ponovljenem glasovanju izglasovati zaupnico, sicer predsednik republike razpusti državni zbor in razpiše nove volitve. Predsednik vlade lahko vprašanje zaupnice veže tudi na sprejem zakona ali druge odločitve v državnem zboru. Če odločitev ni sprejeta, se šteje, da je bila vladi izglasovana nezaupnica.

Med zahtevo za glasovanje o zaupnici in glasovanjem mora poteči najmanj osemindvajset ur.

## **118. člen (interpelacija)**

Najmanj deset poslancev lahko sproži v državnem zboru interpelacijo o delu vlade ali posameznega ministra.

Če po razpravi o interpelaciji večina vseh poslancev izreče nezaupnico vladi ali posameznemu ministru, državni zbor vlado ali ministre razreši.

## **119. člen (obtožba zoper predsednika vlade in ministre)**

Predsednika vlade ali ministre lahko državni zbor pred ustavnim sodiščem obtoži kršitve ustave in zakonov, storjene pri opravljanju njihovih funkcij. Ustavno sodišče obravnava obtožbo na način, kakor je določen v 109. členu.

## **d) Uprava**

### **120. člen (organizacija in delo uprave)**

Organizacijo uprave, njene pristojnosti in način imenovanja njenih funkcionarjev ureja zakon.

Upravni organi opravljajo svoje delo samostojno v okviru in na podlagi ustave in zakonov.

Proti odločitvam in dejanjem upravnih organov in nosilcev javnih pooblastil je zagotovljeno sodno varstvo pravic in zakonitih interesov državljanov in organizacij.

## **121. člen (javno pooblastilo)**

Z zakonom ali na njegovi podlagi lahko pravne ali fizične osebe dobijo javno pooblastilo za opravljanje določenih nalog državne uprave.

## **122. člen (zaposlitev v upravnih službah)**

Zaposlitev v upravnih službah je mogoča samo na temelju javnega natečaja, razen v primerih, ki jih določa zakon.

## e) Obramba države

### **123. člen (dolžnost sodelovanja pri obrambi države)**

Obramba države je za državljane obvezna v mejah in na način, ki ga določa zakon.

Državljanom, ki zaradi svojih religioznih, filozofskih ali humanitarnih nazorov niso pripravljeni sodelovati pri opravljanju vojaških obveznosti, je treba omogočiti, da sodelujejo pri obrambi države na drug način.

### **124. člen (obramba države)**

Vrsto, obseg in organizacijo obrambe nedotakljivosti in celovitosti državnega ozemlja ureja zakon, ki ga sprejme državni zbor z dvotretjinsko večino glasov navzočih poslancev.

Izvajanje obrambe nadzoruje državni zbor.

Pri zagotavljanju varnosti izhaja država predvsem iz mirovne politike ter kulture miru in nenasilja.

## f) Sodstvo

### **125. člen (neodvisnost sodnikov)**

Sodniki so pri opravljanju sodniške funkcije neodvisni. Vezani so na ustavo in zakon.

### **126. člen (ureditev in pristojnosti sodišč)**

Ureditev in pristojnosti sodišč določa zakon.

Izrednih sodišč ni dovoljeno ustanavljati, v mirnem času pa tudi vojaških sodišč ne.

### **127. člen (Vrhovno sodišče)**

Vrhovno sodišče je najvišje sodišče v državi.

Odloča o rednih in izrednih pravnih sredstvih ter opravlja druge zadeve, ki jih določa zakon.

## **128. člen (udeležba državljanov pri izvajanju sodne oblasti)**

Zakon ureja primere in oblike neposredne udeležbe državljanov pri izvajanju sodne oblasti.

## **129. člen (trajnost sodniške funkcije)**

Funkcija sodnika je trajna. Zakon določa starostno mejo in druge pogoje za izvolitev.

Zakon določa starostno mejo, pri kateri se sodnik upokoji.

## **130. člen (izvolitev sodnikov)**

Sodnike voli državni zbor na predlog sodnega sveta.

## **131. člen (sodni svet)**

Sodni svet sestavlja enajst članov. Pet članov izvoli na predlog predsednika republike državni zbor izmed univerzitetnih profesorjev prava, odvetnikov in drugih pravnikov, šest članov pa izmed sebe izvolijo sodniki, ki trajno opravljajo sodniško funkcijo. Predsednika izberejo člani sveta izmed sebe.

## **132. člen (prenehanje in odvzem sodniške funkcije)**

Sodniku preneha sodniška funkcija, če nastopijo razlogi, ki jih določa zakon.

Če sodnik pri opravljanju sodniške funkcije krši ustavo ali huje krši zakon, lahko državni zbor na predlog sodnega sveta sodnika razreši.

V primeru naklepno storjenega kaznivega dejanja z zlorabo sodne funkcije, ugotovljenega s pravnomočno sodno odločbo, državni zbor sodnika razreši.



## **133. člen (nezdružljivost sodniške funkcije)**

Funkcija sodnika ni združljiva s funkcijami v drugih državnih organih, v organih lokalne samouprave in v organih političnih strank, ter z drugimi funkcijami in dejavnostmi, za katere to določa zakon.

## **134. člen (imuniteta sodnika)**

Nikogar, ki sodeluje pri sojenju, ni mogoče klicati na odgovornost za mnenje, ki ga je dal pri odločanju v sodišču.

Sodnik ne sme biti priprt, niti ne sme biti brez dovoljenja državnega zbora zoper njega začet kazenski postopek, če je osumljen kaznivega dejanja pri opravljanju sodniške funkcije.

## g) Državno tožilstvo

### **135. člen (državni tožilec)**

Državni tožilec vlaga in zastopa kazenske obtožbe in ima druge z zakonom določene pristojnosti.

Ureditev in pristojnosti državnih tožilstev določa zakon.

### **136. člen (nezdružljivost funkcije državnega tožilca)**

Funkcija državnega tožilca ni združljiva s funkcijami v drugih državnih organih, v organih lokalne samouprave in v organih političnih strank ter z drugimi funkcijami in dejavnostmi, za katere to določa zakon.

## h) Odvetništvo in notariat

### **137. člen (odvetništvo in notariat)**

Odvetništvo je kot del pravosodja samostojna in neodvisna služba, ki jo ureja zakon.

Notariat je javna služba, ki jo ureja zakon.

# V. SAMOUPRAVA

## a) Lokalna samouprava

### **138. člen (uresničevanje lokalne samouprave)**

Prebivalci Slovenije uresničujejo lokalno samoupravo v občinah in drugih lokalnih skupnostih.

### **139. člen (občina)**

Občina je samoupravna lokalna skupnost.

Območje občine obsega naselje ali več naselij, ki so povezana s skupnimi potrebami in interesi prebivalcev.

Občina se ustanovi z zakonom po prej opravljenem referendumu, s katerim se ugotovi volja prebivalcev na določenem območju. Zakon tudi določi območje občine.

## **140. člen (delovno področje samoupravnih lokalnih skupnosti)**

V pristojnost občine spadajo lokalne zadeve, ki jih občina lahko ureja samostojno in ki zadevajo samo prebivalce občine.

Država lahko z zakonom prenese na občine opravljanje posameznih nalog iz državne pristojnosti, če za to zagotovi tudi potrebna sredstva.

V zadevah, ki jih je na organe lokalne skupnosti prenesla država, opravljajo državni organi tudi nadzor nad primernostjo in strokovnostjo njihovega dela.

## **141. člen (mestna občina)**

Mesto lahko dobi po postopku in ob pogojih, ki jih določa zakon, status mestne občine.

Mestna občina opravlja kot svoje tudi z zakonom določene naloge iz državne pristojnosti, ki se nanašajo na razvoj mest.

## **142. člen (dohodki občine)**

Občina se financira iz lastnih virov. Občinam, ki zaradi slabše gospodarske razvitosti ne morejo v celoti zagotoviti opravljanja svojih nalog, država v skladu z zakonsko določenimi načeli in merili zagotovi dodatna sredstva.

## **143. člen (pokrajina)**

Pokrajina je samoupravna lokalna skupnost, ki opravlja lokalne zadeve širšega pomena in z zakonom določene zadeve regionalnega pomena.

Pokrajine se ustanovijo z zakonom, s katerim se določi tudi njihovo območje, sedež in ime. Zakon sprejme državni zbor z dvotretjinsko večino glasov navzočih poslancev. V postopku za sprejem zakona mora biti zagotovljeno sodelovanje občin.

Država z zakonom prenese na pokrajine opravljanje posameznih nalog iz državne pristojnosti, mora pa jim za to zagotoviti potrebna sredstva.

## **144. člen (nadzor državnih organov)**

Državni organi nadzorujejo zakonitost dela organov lokalnih skupnosti.

## **b) Druga samouprava**

### **145. člen (samouprava na področju družbenih dejavnosti)**

Državljeni se lahko za uveljavljanje svojih interesov samoupravno združujejo.

Državljanom se lahko z zakonom prepusti samoupravno urejanje posameznih zadev iz državne pristojnosti.

# VI. JAVNE FINANCE

## **146. člen (financiranje države in lokalnih skupnosti)**

Država in lokalne skupnosti pridobivajo sredstva za uresničevanje svojih nalog z davki in z drugimi obveznimi dajatvami ter s prihodki od lastnega premoženja.

Država in lokalne skupnosti izkazujejo vrednost svojega premoženja s premoženjskimi bilancami.

## **147. člen (davki)**

Država z zakonom predpisuje davke, carine in druge dajatve. Lokalne skupnosti predpisujejo davke in druge dajatve ob pogojih, ki jih določata ustava in zakon.



## **148. člen (proračun)**

Vsi prejemki in izdatki za financiranje javne porabe morajo biti zajeti v proračunih države.

Prihodki in izdatki proračunov države morajo biti srednjeročno uravnoteženi brez zadolževanja, ali pa morajo prihodki presežati izdatke. Od tega načela se lahko začasno odstopi samo v izjemnih okoliščinah za državo.

Z zakonom, ki ga sprejme državni zbor z dvotretjinsko večino glasov vseh poslancev, se določijo način in časovni okvir izvajanja načela iz prejšnjega odstavka, merila za določitev izjemnih okoliščin in način ravnanja ob njihovem nastopu.

Če proračun ni sprejet do prvega dne, ko ga je potrebno začeti izvrševati, se upravičenci, ki se financirajo iz proračuna, začasno financirajo po prejšnjem proračunu.

## **149. člen (kreditni v breme države)**

Kreditni v breme države in poročstvo države za kredite so dovoljeni le na podlagi zakona.

## **150. člen (računsko sodišče)**

Računsko sodišče je najvišji organ kontrole državnih računov, državnega proračuna in celotne javne porabe.

Ureditev in pristojnosti računskega sodišča določa zakon.

Računsko sodišče je pri svojem delu neodvisno in vezano na ustavo in zakon.

## **151. člen (imenovanje članov računskega sodišča)**

Člane računskega sodišča imenuje državni zbor.

## **152. člen (centralna banka)**

Slovenija ima centralno banko. V svojem delovanju je ta banka samostojna in odgovarja neposredno državnemu zboru. Centralna banka se ustanovi z zakonom.

Guvernerja centralne banke imenuje državni zbor.

# VII. USTAVNOST IN ZAKONITOST

## **153. člen (usklajenost pravnih aktov)**

Zakoni, podzakonski predpisi in drugi splošni akti morajo biti v skladu z ustavo.

Zakoni morajo biti v skladu s splošno veljavnimi načeli mednarodnega prava in z veljavnimi mednarodnimi pogodbami, ki jih je ratificiral državni zbor, podzakonski predpisi in drugi splošni akti pa tudi z drugimi ratificiranimi mednarodnimi pogodbami.

Podzakonski predpisi in drugi splošni akti morajo biti v skladu z ustavo in z zakoni.

Posamični akti in dejanja državnih organov, organov lokalnih skupnosti in nosilcev javnih pooblastil morajo temeljiti na zakonu ali na zakonitem predpisu.

## **154. člen (veljavnost predpisov in njihovo objavljanje)**

Predpisi morajo biti objavljeni, preden začno veljati. Predpis začne veljati petnajsti dan po objavi, če ni v njem drugače določeno.

Državni predpisi se objavljajo v državnem uradnem listu, predpisi lokalnih skupnosti pa v uradnem glasilu, ki ga te same določijo.

## **155. člen (prepoved povratne veljave pravnih aktov)**

Zakoni, drugi predpisi in splošni akti ne morejo imeti učinka za nazaj.

Samo zakon lahko določi, da imajo posamezne njegove določbe učinek za nazaj, če to zahteva javna korist in če se s tem ne posega v pridobljene pravice.

## **156. člen (postopek za oceno ustavnosti)**

Če sodišče pri odločanju meni, da je zakon, ki bi ga moralo uporabiti, protiustaven, mora postopek prekiniti in začeti postopek pred ustavnim sodiščem. Postopek pred sodiščem se nadaljuje po odločitvi ustavnega sodišča.

## **157. člen (upravni spor)**

O zakonitosti dokončnih posamičnih aktov, s katerimi državni organi, organi lokalnih skupnosti in nosilci javnih pooblastil odločajo o pravicah ali o obveznostih in pravnih koristih posameznikov in organizacij, odloča v upravnem sporu pristojno sodišče, če za določeno zadevo ni z zakonom predvideno drugo sodno varstvo.

Če ni zagotovljeno drugo sodno varstvo, odloča v upravnem sporu pristojno sodišče tudi o zakonitosti posamičnih dejanj in aktov, s katerimi se posega v ustavne pravice posameznika.

## **158. člen (pravnomočnost)**

Pravna razmerja, urejena s pravnomočno odločbo državnega organa, je mogoče odpraviti, razveljaviti ali spremeniti le v primerih in po postopku, določenih z zakonom.

## **159. člen (varuh človekovih pravic in temeljnih svoboščin)**

Za varovanje človekovih pravic in temeljnih svoboščin v razmerju do državnih organov, organov lokalne samouprave in nosilcev javnih pooblastil se z zakonom določi varuh pravic državljanov.

Z zakonom se lahko za posamezna področja določijo posebni varuhi pravic državljanov.

# VIII. USTAVNO SODIŠČE

## **160. člen (pristojnosti ustavnega sodišča)**

Ustavno sodišče odloča:

- o skladnosti zakonov z ustavo;
- o skladnosti zakonov in drugih predpisov z ratificiranimi mednarodnimi pogodbami in s splošnimi načeli mednarodnega prava;
- o skladnosti podzakonskih predpisov z ustavo in z zakoni;
- o skladnosti predpisov lokalnih skupnosti z ustavo in z zakoni;
- o skladnosti splošnih aktov, izdanih za izvrševanje javnih pooblastil, z ustavo, zakoni in podzakonskimi predpisi;
- o ustavnih pritožbah zaradi kršitev človekovih pravic in temeljnih svoboščin s posamičnimi akti;
- o sporih glede pristojnosti med državo in lokalnimi skupnostmi, in med samimi lokalnimi skupnostmi;
- o sporih glede pristojnosti med sodišči in drugimi državnimi organi;



- o sporih o pristojnostih med državnim zborom, predsednikom republike in vlado;
- o protiustavnosti aktov in delovanja političnih strank;
- in o drugih zadevah, ki so mu naložene s to ustavo ali z zakoni.

Na predlog predsednika republike, vlade ali tretjine poslancev državnega zbora izreka ustavno sodišče v postopku ratifikacije mednarodne pogodbe mnenje o njeni skladnosti z ustavo. Državni zbor je vezan na mnenje ustavnega sodišča.

Če zakon ne določa drugače, odloča ustavno sodišče o ustavni pritožbi le, če je bilo izčrpano pravno varstvo. O tem, ali ustavno sodišče ustavno pritožbo sprejme v obravnavo, odloči na podlagi meril in postopka, določenih z zakonom.

## **161. člen (razveljavitev zakona)**

Če ustavno sodišče ugotovi, da je zakon protiustaven, ga v celoti ali delno razveljavi. Razveljavitev učinkuje takoj ali v roku, ki ga določi ustavno sodišče. Ta rok ne sme biti daljši od enega leta. Druge protiustavne

ali nezakonite predpise ali splošne akte ustavno sodišče odpravi ali razveljavi. Ustavno sodišče lahko pod pogoji, ki jih določa zakon, do končne odločitve v celoti ali delno zadrži izvrševanje akta, katerega ustavnost ali zakonitost presoja.

Če ustavno sodišče pri odločanju o ustavni pritožbi ugotovi tudi protiustavnost predpisa ali splošnega akta, ga lahko, v skladu z določbami prvega odstavka, odpravi ali razveljavi.

Pravne posledice odločitev ustavnega sodišča ureja zakon.

## **162. člen (postopek pred ustavnim sodiščem)**

Postopek pred ustavnim sodiščem ureja zakon.

Predlagatelj zahteve za začetek postopka pred ustavnim sodiščem določa zakon. Vsakdo lahko da pobudo za začetek postopka, če izkaže svoj pravni interes.

Ustavno sodišče odloča z večino glasov vseh sodnikov, če ustava ali zakon za posamezne primere ne določata drugače. O tem, ali bo začelo postopek na podlagi ustavne pritožbe, lahko ustavno sodišče odloča v ožji sestavi, ki jo določa zakon.

## **163. člen (sestava in volitve)**

Ustavno sodišče je sestavljeno iz devetih sodnikov, ki jih na predlog predsednika republike izvoli državni zbor, na način, ki ga določa zakon.

Sodniki se izvolijo izmed pravnih strokovnjakov.

Predsednika ustavnega sodišča izvolijo sodniki izmed sebe za dobo treh let.

## **164. člen (predčasna razrešitev ustavnega sodnika)**

Sodnik ustavnega sodišča je lahko predčasno razrešen na način, ki ga določa zakon, samo:

- če to sam zahteva,
- če je kaznovan za kaznivo dejanje s kaznijo odvzema prostosti, ali
- zaradi trajne izgube delovne zmožnosti za opravljanje svoje funkcije.

## **165. člen (mandat sodnikov)**

Sodniki ustavnega sodišča so izvoljeni za dobo desetih let. Ustavni sodniki ne morejo biti ponovno voljeni.

Po izteku časa, za katerega je bil ustavni sodnik izvoljen, opravlja funkcijo še do izvolitve novega sodnika.

## **166. člen (nezdružljivost funkcije)**

Funkcija sodnika ustavnega sodišča ni združljiva s funkcijami v državnih organih, v organih lokalne samouprave in v organih političnih strank, ter z drugimi funkcijami in dejavnostmi, ki po zakonu niso združljive s funkcijo sodnika ustavnega sodišča.

## **167. člen (imuniteta)**

Sodniki ustavnega sodišča uživajo enako imuniteto kakor poslanci državnega zbora. O imuniteti odloča državni zbor.

# IX. POSTOPEK ZA SPREMEMBO USTAVE

## **168. člen (predlog za začetek postopka)**

Predlog za začetek postopka za spremembo ustave lahko da dvajset poslancev državnega zbora, vlada ali najmanj trideset tisoč volilcev.

O predlogu odloči državni zbor z dvotretjinsko večino glasov navzočih poslancev.

## **169. člen (akt o sprejemu ustave)**

Državni zbor sprejme akt o spremembi ustave z dvotretjinsko večino glasov vseh poslancev.

## **170. člen (potrditev spremembe ustave na referendumu)**

Državni zbor mora predlagano spremembo ustave predložiti v sprejem volilcem na referendumu, če to zahteva najmanj trideset poslancev.

Sprememba ustave je na referendumu sprejeta, če zanjo glasuje večina volilcev, ki so glasovali, pod pogojem, da se glasovanja udeleži večina vseh volilcev.

## **171. člen (razglasitev spremembe ustave)**

Sprememba ustave začne veljati z razglasitvijo v državnem zboru.

**Ustava Republike Slovenije (Uradni list RS, št. 33/91-I) vsebuje naslednje prehodne in končne določbe:**

## **X. PREHODNE IN KONČNE DOLOČBE**

### **172. člen**

Ta ustava začne veljati z razglasitvijo.

### **173. člen**

Določbe te ustave se uporabljajo z dnem razglasitve, razen če v ustavnem zakonu za izvedbo te ustave ni drugače določeno.

## 174. člen

Za izvedbo te ustave in za zagotovitev prehoda k uporabi določb te ustave se sprejme ustavni zakon.

Ustavni zakon se sprejme z dvotretjinsko večino glasov vseh poslancev v vseh zborih Skupščine Republike Slovenije.«.



**Ustavni zakon o spremembi 68. člena ustave Republike Slovenije – UZS68 (Uradni list RS, št. 42/97) vsebuje naslednjo končno določbo:**

»||

Ta ustavni zakon začne veljati z razglasitvijo v Državnem zboru.«.

**Ustavni zakon o dopolnitvi 80. člena ustave Republike Slovenije – UZ80 (Uradni list RS, št. 66/00) vsebuje naslednjo končno določbo:**

»||

Volitve poslancev v državni zbor se v letu 2000 ter do uveljavitve sprememb zakona, ki ureja volitve v Državni zbor, izvajajo po zakonu o volitvah v Državni zbor (Uradni list RS, št. 44/92, 60/95, 67/97 – odločba US), s tem, da se:

- pri delitvi mandatov ne upoštevajo liste kandidatov, ki so v celi državi dobile manj kot štiri odstotke glasov;
- pri delitvi mandatov v volilni enoti po 90. členu zakona uporabi Droopov količnik;

- pri delitvi mandatov na ravni države po 92. členu zakona upoštevajo seštevki glasov, oddanih za istoimenske liste, ki so bile vložene v dveh ali več volilnih enotah, pri čemer se istoimenskim listam dodeli toliko mandatov, kolikor znaša razlika med številom mandatov, ki bi jim pripadli na podlagi seštevka glasov na ravni države, in številom mandatov, ki so jih dobile v volilnih enotah;
- pri delitvi mandatov na ravni države ne uporabi drugi odstavek 93. člena zakona.

Ta ustavni zakon začne veljati z razglasitvijo v Državnem zboru Republike Slovenije.«.

**Ustavni zakon o spremembah I. poglavja ter 47. in 68. člena ustave Republike Slovenije – UZ3a, 47, 68 (Uradni list RS, št. 24/03) vsebuje naslednjo končno določbo:**

»II

Zakon o referendumu in o ljudski iniciativi (Uradni list RS, št. št. 15/94, 13/95 – odločba US, 34/96 – odločba US, 38/96, 43/96 – odločba US, 59/2001 in 11/2003 – odločba US) je treba uskladiti s tem ustavnim zakonom v enem letu po njegovi uveljavitvi.

Do uskladitve zakona o referendumu in o ljudski iniciativi se referendumi iz 1. člena tega ustavnega zakona (drugi odstavek 3.a člena ustave) izvajajo na podlagi določb III. poglavja zakona o referendumu in o ljudski iniciativi.

Za razpisana referenduma o pristopu Slovenije k Evropski uniji in k Organizaciji Severnoatlantske pogodbe se uporabljajo določbe 1. člena tega ustavnega zakona (drugi odstavek 3.a člena ustave) in določbe III. poglavja zakona o referendumu in o ljudski iniciativi.

Ta ustavni zakon začne veljati z razglasitvijo v Državnem zboru Republike Slovenije.«.

**Ustavni zakon o spremembi 14. člena Ustave Republike Slovenije – UZ14 (Uradni list RS, št. 69/04) vsebuje naslednjo končno določbo:**

»II

Ta Ustavni zakon začne veljati z razglasitvijo v Državnem zboru Republike Slovenije.«.

**Ustavni zakon o spremembi 43. člena Ustave Republike Slovenije – UZ43 (Uradni list RS, št. 69/04) vsebuje naslednjo končno določbo:**

»II

Ta Ustavni zakon začne veljati z razglasitvijo v Državnem zboru Republike Slovenije.«.

**Ustavni zakon o spremembi 50. člena Ustave Republike Slovenije – UZ50 (Uradni list RS, št. 69/04) vsebuje naslednjo končno določbo:**

»II

Ta Ustavni zakon začne veljati z razglasitvijo v Državnem zboru Republike Slovenije.«.

**Ustavni zakon o spremembah 121., 140. in 143. člena Ustave Republike Slovenije – UZ121, 140, 143 (Uradni list RS, št. 68/06) vsebuje naslednjo končno določbo:**

»II

Ta ustavni zakon začne veljati z razglasitvijo v Državnem zboru Republike Slovenije.«.

**Ustavni zakon o spremembi 148. člena Ustave Republike Slovenije – UZ148 (Uradni list RS, št. 47/13) vsebuje naslednjo končno določbo:**

»II

Državni zbor sprejme zakon iz tretjega odstavka spremenjenega 148. člena ustave v šestih mesecih od uveljavitve tega ustavnega zakona.

Drugi odstavek in zakon iz tretjega odstavka spremenjenega 148. člena ustave se prvič uporabijo za pripravo proračunov države za leto 2015. Dolžnost postopnega prilagajanja, ki bo omogočila pripravo proračuna države za leto 2015, v skladu s spremenjenim 148. členom, nastopi z razglasitvijo tega ustavnega zakona.

Ta ustavni zakon začne veljati z razglasitvijo v državnem zboru.«.

**Ustavni zakon o spremembah 90., 97. in 99. člena Ustave Republike Slovenije – UZ90,97,99 (Uradni list RS, št. 47/13) vsebuje naslednjo končno določbo:**

»II

Zakon o referendumu in o ljudski iniciativi (Uradni list RS, št. 26/07 – uradno prečiščeno besedilo) se uskladi

s 1. členom tega ustavnega zakona v enem letu po njegovi uveljavitvi.

Do uskladitve Zakona o referendumu in o ljudski iniciativi se določbe 1. člena tega ustavnega zakona uporabljajo ob smiselni uporabi Zakona o referendumu in o ljudski iniciativi neposredno. Do uskladitve Zakona o referendumu in o ljudski iniciativi se 21. člen Zakona o referendumu in o ljudski iniciativi smiselno uporablja tako, da ustavno sodišče odloči v sporu med predlagateljem referenduma in državnim zborom, ki zavrne razpis referenduma o zakonu.

Določbe 1. člena tega ustavnega zakona se ne uporabljajo za pobude iz 11. in zahteve iz 12. člena Zakona o referendumu in o ljudski iniciativi, ki so bile vložene pred uveljavitvijo tega ustavnega zakona.

Ta ustavni zakon začne veljati z razglasitvijo v državnem zboru.«.

**Ustavni zakon o dopolnitvi III. poglavja Ustave Republike Slovenije – UZ70a (Uradni list RS, št. 75/16) vsebuje naslednjo končno določbo:**

»II

Zakone, ki urejajo vsebine iz novega 70.a člena ustave, je treba uskladiti s tem ustavnim zakonom v osemnajstih mesecih po njegovi uveljavitvi.

Ta ustavni zakon začne veljati z razglasitvijo v Državnem zboru.«.

**Ustavni zakon o dopolnitvi II. poglavja Ustave Republike Slovenije – UZ62a (Uradni list RS, št. 92/21) vsebuje naslednjo končno določbo:**

»II

Ta ustavni zakon začne veljati z razglasitvijo v Državnem zboru.«.









































# Constitution is ...

... the basic law of the country, as the Dictionary of the Slovenian Standard Language (*Slovar slovenskega knjižnega jezika*) succinctly states. Lawyers are more precise and define the constitution as "the highest legal regulation determining the basic principles and forms of the social, political, and economic organisation of the state." In English dictionaries, one can read, *inter alia*, that a constitution is "the set of political principles by which a state or organisation is governed, especially in relation to the rights of the people it governs." The Germans view the constitution as the basic law (*Grundgesetz*), which enjoys a position above all other laws of the state. However, the basic articles of the German Constitution, adopted in 1949, emphasise that the Constitution is above all a framework that ensures the conditions for a free life. This is clear and surprisingly simple, especially compared to the Austrian explanation, which, under the influence of the constitution of the former monarchy, focuses on governance by the state (*staatliches Handeln*), the adoption of laws, and the exercise of political power. Both the German and Austrian constitution framers wanted to balance the legal-

normative, organisational-systemic, and symbolic aspects of the rules intended to guarantee the rights, duties, and, above all, freedom of citizens.

This balanced concern for freedom is reflected well in the provisions governing the functioning of science. By its nature, science should not and cannot be limited, which can be deduced from the constitution of the Austro-Hungarian monarchy, in which, among other things, it is written that both science and its findings and lessons shall be free. For an activity whose basic guideline is doubt, this should be practically self-evident. The freedom of artistic creativity is similarly self-evident and therefore especially protected. Austrians are particularly proud of having specifically defined this in the 1982 Constitution, thus »manifestly and comprehensively« protecting art.

The people of Slovenia followed similar starting points. Following the experience of living under Article 133 of the Criminal Code of the Socialist Federal Republic of Yugoslavia, which restricted freedom of speech, the drafters of the Constitution of the Republic of Slovenia devoted special attention to protecting freedoms in those areas that in one way or another relate to freedom of speech. According to Article 39 of the Constitution of the Republic of Slovenia:

*"Freedom of expression of thought, freedom of speech, and public appearance, freedom of the press, and other forms of public communication and expression shall be guaranteed. Everyone may freely collect, receive, and disseminate information and opinions.*

*Except in such cases as are provided by law, everyone has the right to obtain information of a public nature in which he has a well-founded legal interest under law."*

This article and the spirit of the entire basic law combine in the Constitution of the Republic of Slovenia the libertarian tradition of the United Kingdom (which has no constitution at all) and the continental tradition, which builds upon a balance of normative, systemic, and organisational aspects.

The Constitution of the Republic of Slovenia is primarily intended for the people of Slovenia. And like any other book, according to Bertolt Brecht, the Constitution is a weapon for which we must reach from time to time. Especially when its basic principles are threatened.

Oto Luthar



Proceeding from the will of the Slovene nation and residents of the Republic of Slovenia as expressed in the plebiscite on the sovereignty and independence of the Republic of Slovenia on 23 December 1990;

considering the fact that the Republic of Slovenia has been a state under the hitherto valid constitutional order and has exercised only a part of its sovereign rights within the Socialist Federal Republic of Yugoslavia;

with regard to the fact that the SFRY<sup>1</sup> does not function as a state governed by law and that within it human rights, national rights, and the rights of the republics and autonomous provinces are grossly violated;

with regard to the fact that the federal system of Yugoslavia does not allow for the resolution of the political and economic crisis and that no agreement was reached between the Yugoslav republics which

would enable the republics to gain independence concurrently with the transformation of the Yugoslav federal state into a union of sovereign states;

firmly determined that the Republic of Slovenia shall respect the equal rights of other Yugoslav republics, and together with them gradually regulate all issues arising from their hitherto common existence equally, democratically, and peacefully, and respect their sovereignty and territorial integrity; and

willing to further negotiate institutional and other ties with other Yugoslav republics as a sovereign and independent state,

the Assembly of the Republic of Slovenia at the joint session of all three chambers held on 25 June 1991, on the basis of amendments LXVIII, LXXII, and XCIX to the Constitution of the Republic of Slovenia and in accordance with Article 4 of the Plebiscite on the Sovereignty and Independence of the Republic of Slovenia Act,

hereby adopts

The Basic Constitutional Charter  
on the Sovereignty and Independence  
of the Republic of Slovenia

# THE BASIC CONSTITUTIONAL CHARTER ON THE SOVEREIGNTY AND INDEPENDENCE OF THE REPUBLIC OF SLOVENIA<sup>2</sup>

## I

The Republic of Slovenia is a sovereign and independent state.

The Constitution of the SFRY hereby ceases to be in force for the Republic of Slovenia.

The Republic of Slovenia assumes all the rights and duties which under the Constitution of the Republic of Slovenia and the Constitution of the SFRY were transferred to the authorities of the SFRY.

The assumption of the exercise of these rights and duties shall be regulated by constitutional act.

## II

The state borders of the Republic of Slovenia are the internationally recognised state borders between

the hitherto SFRY and the Republic of Austria, the Republic of Italy, and the Republic of Hungary in the part where these states border the Republic of Slovenia, and the border between the Republic of Slovenia and the Republic of Croatia within the hitherto SFRY.

### III

The Republic of Slovenia guarantees the protection of human rights and fundamental freedoms to all persons in the territory of the Republic of Slovenia irrespective of their national origin, without any discrimination whatsoever, in accordance with the Constitution of the Republic of Slovenia and the treaties in force.

The Italian and Hungarian national communities in the Republic of Slovenia and their members are guaranteed all rights deriving from the Constitution of the Republic of Slovenia and the treaties in force.

### IV

In order to implement this constitutional charter a constitutional act shall be passed at a joint session of all



chambers of the Assembly of the Republic of Slovenia by a two-thirds majority of delegates of all chambers.

## V

This Constitutional Charter shall enter into force upon its promulgation at a joint session of all chambers of the Assembly of the Republic of Slovenia.

\*\*\*

Proceeding from  
the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia, and from fundamental human rights and freedoms, and the fundamental and permanent right of the Slovene nation to self-determination; and from the historical fact that in a centuries-long struggle for national liberation we Slovenes have established our national identity and asserted our statehood, the Assembly of the Republic of Slovenia hereby adopts

The Constitution  
of the Republic of Slovenia



1911

Die erste Ausgabe dieses Buches erschien im Jahre 1911. Es ist eine Geschichte der deutschen Literatur, die von den Anfängen bis zur Gegenwart reicht. Die zweite Ausgabe ist eine überarbeitete und erweiterte Fassung der ersten Ausgabe. Sie enthält neue Kapitel über die moderne Literatur und die Kunst des 20. Jahrhunderts. Die dritte Ausgabe ist eine überarbeitete und erweiterte Fassung der zweiten Ausgabe. Sie enthält neue Kapitel über die moderne Literatur und die Kunst des 20. Jahrhunderts.

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# THE CONSTITUTION OF THE REPUBLIC OF SLOVENIA<sup>3</sup>

Unofficial Consolidated Text

## I. GENERAL PROVISIONS

### Article 1

Slovenia is a democratic republic.

### Article 2

Slovenia is a state governed by the rule of law and a social state.

## **Article 3**

Slovenia is a state of all its citizens and is founded on the permanent and inalienable right of the Slovene nation to self-determination.

In Slovenia power is vested in the people. Citizens exercise this power directly and through elections, consistent with the principle of the separation of legislative, executive, and judicial powers.

## **Article 3a<sup>4</sup>**

Pursuant to a treaty ratified by the National Assembly by a two-thirds majority vote of all deputies, Slovenia may transfer the exercise of part of its sovereign rights to international organisations which are based on respect for human rights and fundamental freedoms, democracy, and the principles of the rule of law and may enter into a defensive alliance with states which are based on respect for these values.

Before ratifying a treaty referred to in the preceding paragraph, the National Assembly may call a referendum. A proposal is passed in the referendum if a majority of

voters who have cast valid votes vote in favour of the same. The National Assembly is bound by the result of such referendum. If such referendum has been held, a referendum regarding the law on the ratification of the treaty concerned may not be called.

Legal acts and decisions adopted within international organisations to which Slovenia has transferred the exercise of part of its sovereign rights shall be applied in Slovenia in accordance with the legal regulation of these organisations.

In procedures for the adoption of legal acts and decisions in international organisations to which Slovenia has transferred the exercise of part of its sovereign rights, the Government shall promptly inform the National Assembly of proposals for such acts and decisions as well as of its own activities. The National Assembly may adopt positions thereon, which the Government shall take into consideration in its activities. The relationship between the National Assembly and the Government arising from this paragraph shall be regulated in detail by a law adopted by a two-thirds majority vote of deputies present.

## **Article 4**

Slovenia is a territorially unified and indivisible state.

## **Article 5**

In its own territory, the state shall protect human rights and fundamental freedoms. It shall protect and guarantee the rights of the autochthonous Italian and Hungarian national communities. It shall maintain concern for the autochthonous Slovene national minorities in neighbouring countries and for Slovene emigrants and workers abroad and shall foster their contacts with the homeland. It shall provide for the preservation of the natural wealth and cultural heritage and create opportunities for the harmonious development of society and culture in Slovenia.

Slovenes not holding Slovene citizenship may enjoy special rights and privileges in Slovenia. The nature and extent of such rights and privileges shall be regulated by law.

## Article 6

The coat-of-arms of Slovenia has the form of a shield. In the middle of the shield, on a blue background, is a representation of Mount Triglav in white, under which there are two undulating blue lines symbolising the sea and rivers and above which there are three golden, six-pointed stars forming a downward-pointing triangle. The shield is bordered in red. The coat-of-arms is designed in accordance with a set standard of geometry and colour.

The flag of Slovenia is the white-blue-red Slovene national flag with the coat-of-arms of Slovenia. The ratio of the width of the flag to the length thereof is one to two. The colours of the flag are in the following order: white, blue, and red. Each colour occupies a horizontal band covering one third of the area of the flag. The coat-of-arms is positioned in the upper left portion of the flag such that it lies with one half in the white field and the other in the blue field.

The national anthem of Slovenia is "Zdravljica".

The use of the coat-of-arms, the flag, and the national anthem shall be provided by law.

## **Article 7**

The state and religious communities shall be separate.

Religious communities shall enjoy equal rights; they shall pursue their activities freely.

## **Article 8**

Laws and other regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia. Ratified and published treaties shall be applied directly.

## **Article 9**

Local self-government in Slovenia is guaranteed.

## **Article 10**

The capital of Slovenia is Ljubljana.



## **Article 11**

The official language in Slovenia is Slovene. In those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be official languages.

## **Article 12**

Slovene citizenship shall be regulated by law.

## **Article 13**

In accordance with treaties, foreigners in Slovenia enjoy all the rights guaranteed by this Constitution and laws, except for those rights that pursuant to this Constitution or law only citizens of Slovenia enjoy.

## II. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

### **Article 14<sup>5</sup> (Equality before the Law)**

In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political, or other conviction, material standing, birth, education, social status, disability, or any other personal circumstance.

All are equal before the law.

### **Article 15 (Exercise and Limitation of Rights)**

Human rights and fundamental freedoms shall be exercised directly on the basis of the Constitution.

The manner in which human rights and fundamental freedoms are exercised may be regulated by law whenever

the Constitution so provides or where this is necessary due to the particular nature of an individual right or freedom.

Human rights and fundamental freedoms shall be limited only by the rights of others and in such cases as are provided by this Constitution.

Judicial protection of human rights and fundamental freedoms, and the right to obtain redress for the violation of such rights and freedoms, shall be guaranteed.

No human right or fundamental freedom regulated by legal acts in force in Slovenia may be restricted on the grounds that this Constitution does not recognise that right or freedom or recognises it to a lesser extent.

## **Article 16** **(Temporary Suspension** **and Restriction of Rights)**

Human rights and fundamental freedoms provided by this Constitution may exceptionally be temporarily suspended or restricted during a war and state of emergency. Human rights and fundamental freedoms may be suspended or restricted only for the duration of the

war or state of emergency, but only to the extent required by such circumstances and inasmuch as the measures adopted do not create inequality based solely on race, national origin, sex, language, religion, political, or other conviction, material standing, birth, education, social status, or any other personal circumstance.

The provision of the preceding paragraph does not allow any temporary suspension or restriction of the rights provided by Articles 17, 18, 21, 27, 28, 29, and 41.

## **Article 17 (Inviolability of Human Life)**

Human life is inviolable. There is no capital punishment in Slovenia.

## **Article 18 (Prohibition of Torture)**

No one may be subjected to torture or to inhuman or degrading punishment or treatment. The conducting

of medical or other scientific experiments on any person without his free consent is prohibited.

## **Article 19**

### **(Protection of Personal Liberty)**

Everyone has the right to personal liberty.

No one may be deprived of his liberty except in such cases and pursuant to such procedures as are provided by law.

Anyone deprived of his liberty must be immediately informed in his mother tongue, or in a language which he understands, of the reasons for being deprived of his liberty. Within the shortest possible time thereafter, he must also be informed in writing of why he has been deprived of his liberty. He must be instructed immediately that he is not obliged to make any statement, that he has the right to immediate legal representation of his own free choice and that the competent authority must, on his request, notify his relatives or those close to him of the deprivation of his liberty.

## **Article 20 (Orders for and Duration of Detention)**

A person reasonably suspected of having committed a criminal offence may be detained only on the basis of a court order when this is absolutely necessary for the course of criminal proceedings or for reasons of public safety.

Upon detention, but no later than twenty-four hours thereafter, the person detained must be handed the written court order with a statement of reasons. The person detained has the right to appeal against the court order, and such appeal must be decided by a court within forty-eight hours. Detention may last only as long as there are legal reasons for such, but no longer than three months from the day of the deprivation of liberty. The Supreme Court may extend the detention a further three months.

If no charges are brought by the end of these terms, the suspected person shall be released.

## **Article 21 (Protection of Human Personality and Dignity)**

Respect for human personality and dignity shall be guaranteed in criminal and in all other legal proceedings, as well as during the deprivation of liberty and enforcement of punitive sanctions.

Violence of any form against any person whose liberty has been restricted in any way is prohibited, as is the use of any form of coercion in obtaining confessions and statements.

## **Article 22 (Equal Protection of Rights)**

Everyone shall be guaranteed equal protection of rights in any proceeding before a court and before other state authorities, local community authorities, and bearers of public authority that decide on his rights, duties, or legal interests.

## **Article 23 (Right to Judicial Protection)**

Everyone has the right to have any decision regarding his rights, duties, and any charges brought against him made without undue delay by an independent, impartial court constituted by law.

Only a judge duly appointed pursuant to rules previously established by law and by judicial regulations may judge such an individual.

## **Article 24 (Public Nature of Court Proceedings)**

Court hearings shall be public. Judgements shall be pronounced publicly. Exceptions shall be provided by law.

## **Article 25 (Right to Legal Remedies)**

Everyone shall be guaranteed the right to appeal or to any other legal remedy against the decisions of courts



and other state authorities, local community authorities, and bearers of public authority by which his rights, duties, or legal interests are determined.

## **Article 26 (Right to Compensation)**

Everyone has the right to compensation for damage caused through unlawful actions in connection with the performance of any function or other activity by a person or authority performing such function or activity within a state or local community authority or as a bearer of public authority.

Any person suffering damage has the right to claim, in accordance with the law, compensation also directly from the person or authority that has caused such damage.

## **Article 27 (Presumption of Innocence)**

Any person charged with criminal conduct shall be presumed innocent until found guilty by a final judgement.

## **Article 28 (Principle of Legality in Criminal Law)**

No one may be punished for an act which had not been declared a criminal offence under law or for which a penalty had not been prescribed at the time the act was performed.

Acts that are criminal shall be established and the resulting penalties pronounced according to the law that was in force at the time the act was performed, except where a more recent law adopted is more lenient towards the offender.

## **Article 29 (Legal Guarantees in Criminal Proceedings)**

Anyone charged with a criminal offence must, in addition to absolute equality, be guaranteed the following rights:

- the right to have adequate time and facilities to prepare his defence;

- the right to be present at his trial and to conduct his own defence or to be defended by a legal representative;
- the right to present all evidence to his benefit;
- the right not to incriminate himself or his relatives or those close to him, or to admit guilt.

## **Article 30 (Right to Rehabilitation and Compensation)**

Any person unjustly convicted of a criminal offence or deprived of his liberty without due cause has the right to rehabilitation and compensation, and other rights provided by law.

## **Article 31 (Prohibition of Double Jeopardy)**

No one may be sentenced or punished twice for the same criminal offence for which criminal proceedings were dismissed finally, or for which the charge was

finally rejected, or for which the person was acquitted or convicted by a final judgement.

## **Article 32 (Freedom of Movement)**

Everyone has the right to freedom of movement, to choose his place of residence, to leave the country and to return at any time.

This right may be limited by law, but only where this is necessary to ensure the course of criminal proceedings, to prevent the spread of infectious diseases, to protect public order, or if the defence of the state so demands.

Entry into the country by foreigners, and the duration of their stay in the country, may be limited on the basis of law.

## **Article 33 (Right to Private Property and Inheritance)**

The right to private property and inheritance shall be guaranteed.

## **Article 34 (Right to Personal Dignity and Safety)**

Everyone has the right to personal dignity and safety.

## **Article 35 (Protection of the Rights to Privacy and Personality Rights)**

The inviolability of the physical and mental integrity of every person and his privacy and personality rights shall be guaranteed.

## **Article 36 (Inviolability of Dwellings)**

Dwellings are inviolable.

No one may, without a court order, enter the dwelling or other premises of another person, nor may he search the same, against the will of the resident.

Any person whose dwelling or other premises are searched has the right to be present or to have a representative present.

Such a search may only be conducted in the presence of two witnesses.

Subject to conditions provided by law, an official may enter the dwelling or other premises of another person without a court order, and may in exceptional circumstances conduct a search in the absence of witnesses, where this is absolutely necessary for the direct apprehension of a person who has committed a criminal offence or to protect people or property.

## **Article 37 (Protection of the Privacy of Correspondence and Other Means of Communication)**

The privacy of correspondence and other means of communication shall be guaranteed.

Only a law may prescribe that on the basis of a court order the protection of the privacy of correspondence and other means of communication and the inviolability of personal privacy be suspended for a set time where such is necessary for the institution or course of criminal proceedings or for reasons of national security.

## **Article 38 (Protection of Personal Data)**

The protection of personal data shall be guaranteed. The use of personal data contrary to the purpose for which it was collected is prohibited.

The collection, processing, designated use, supervision, and protection of the confidentiality of personal data shall be provided by law.

Everyone has the right of access to the collected personal data that relates to him and the right to judicial protection in the event of any abuse of such data.

## **Article 39 (Freedom of Expression)**

Freedom of expression of thought, freedom of speech and public appearance, freedom of the press, and other forms of public communication and expression shall be guaranteed. Everyone may freely collect, receive, and disseminate information and opinions.

Except in such cases as are provided by law, everyone has the right to obtain information of a public nature in which he has a well founded legal interest under law.

## **Article 40 (Right to Correction and Reply)**

The right to correct published information which has damaged a right or interest of an individual, organisation,



or body shall be guaranteed, as shall be the right to reply to such published information.

## **Article 41 (Freedom of Conscience)**

Religious and other beliefs may be freely professed in private and public life.

No one shall be obliged to declare his religious or other beliefs.

Parents have the right to provide their children with a religious and moral upbringing in accordance with their beliefs. The religious and moral guidance given to children must be appropriate to their age and maturity, and be consistent with their free conscience and religious and other beliefs or convictions.

## **Article 42 (Right of Assembly and Association)**

The right of peaceful assembly and public meeting shall be guaranteed.

Everyone has the right to freedom of association with others.

Legal restrictions of these rights shall be permissible where so required for national security or public safety and for protection against the spread of infectious diseases.

Professional members of the defence forces and the police may not be members of political parties.

## **Article 43<sup>6</sup> (Right to Vote)**

The right to vote shall be universal and equal.

Every citizen who has attained the age of eighteen years has the right to vote and be elected.

The law may provide in which cases and under what conditions foreigners have the right to vote.

The law shall provide measures for encouraging the equal opportunity of men and women in standing for election to state authorities and local community authorities.

## **Article 44 (Participation in the Management of Public Affairs)**

Every citizen has the right, in accordance with the law, to participate either directly or through elected representatives in the management of public affairs.

## **Article 45 (Right to Petition)**

Every citizen has the right to file petitions and to pursue other initiatives of general significance.

## **Article 46 (Right to Conscientious Objection)**

Conscientious objection shall be permissible in cases provided by law where this does not limit the rights and freedoms of others.

## **Article 47<sup>7</sup>** **(Extradition)**

No citizen of Slovenia may be extradited or surrendered unless such obligation to extradite or surrender arises from a treaty by which, in accordance with the provisions of the first paragraph of Article 3a, Slovenia has transferred the exercise of part of its sovereign rights to an international organisation.

## **Article 48** **(Asylum)**

Within the limits of the law, the right of asylum shall be recognised to foreign nationals and stateless persons who are subject to persecution for their commitment to human rights and fundamental freedoms.

## **Article 49 (Freedom of Work)**

Freedom of work shall be guaranteed.

Everyone shall choose his employment freely.

Everyone shall have access under equal conditions to any position of employment.

Forced labour shall be prohibited.

## **Article 50<sup>8</sup> (Right to Social Security)**

Citizens have the right to social security, including the right to a pension, under conditions provided by law.

The state shall regulate compulsory health, pension, disability, and other social insurance, and shall ensure its proper functioning.

Special protection in accordance with the law shall be guaranteed to war veterans and victims of war.

## **Article 51 (Right to Health Care)**

Everyone has the right to health care under conditions provided by law.

The rights to health care from public funds shall be provided by law.

No one may be compelled to undergo medical treatment except in cases provided by law.

## **Article 52 (Rights of Disabled Persons)**

Disabled persons shall be guaranteed protection and work-training in accordance with the law.

Physically or mentally handicapped children and other severely disabled persons have the right to education and training for an active life in society.

The education and training referred to in the preceding paragraph shall be financed from public funds.

## **Article 53 (Marriage and the Family)**

Marriage is based on the equality of spouses. Marriages shall be solemnised before an empowered state authority.

Marriage and the legal relations within it and the family, as well as those within an extramarital union, shall be regulated by law.

The state shall protect the family, motherhood, fatherhood, children, and young people and shall create the necessary conditions for such protection.

## **Article 54 (Rights and Duties of Parents)**

Parents have the right and duty to maintain, educate, and raise their children. This right and duty may be revoked or restricted only for such reasons as are provided by law in order to protect the child's interests.

Children born out of wedlock have the same rights as children born within it.

## **Article 55 (Freedom of Choice in Childbearing)**

Everyone shall be free to decide whether to bear children.

The state shall guarantee the opportunities for exercising this freedom and shall create such conditions as will enable parents to decide to bear children.

## **Article 56 (Rights of Children)**

Children shall enjoy special protection and care. Children shall enjoy human rights and fundamental freedoms consistent with their age and maturity.

Children shall be guaranteed special protection from economic, social, physical, mental, or other exploitation and abuse. Such protection shall be regulated by law.

Children and minors who are not cared for by their parents, who have no parents or who are without proper family care shall enjoy the special protection of the state. Their position shall be regulated by law.



## **Article 57 (Education and Schooling)**

Freedom of education shall be guaranteed.

Primary education is compulsory and shall be financed from public funds.

The state shall create the opportunities for citizens to obtain a proper education.

## **Article 58 (Autonomy of Universities and Other Institutions of Higher Education)**

State universities and state institutions of higher education shall be autonomous.

The manner of their financing shall be regulated by law.

## **Article 59 (Freedom of Science and the Arts)**

The freedom of scientific and artistic endeavour shall be guaranteed.

## **Article 60 (Intellectual Property Rights)**

The protection of copyright and other rights deriving from artistic, scientific, research, and invention activities shall be guaranteed.

## **Article 61 (Expression of National Affiliation)**

Everyone has the right to freely express affiliation with his nation or national community, to foster and give expression to his culture, and to use his language and script.

## **Article 62 (Right to Use One's Language and Script)**

Everyone has the right to use his language and script in a manner provided by law in the exercise of his rights and duties and in procedures before state and other authorities performing a public function.

## **Article 62a (Sign Language and Tactile Sign Language)**

The freedom to use and develop the Slovene sign language shall be guaranteed. In those municipalities where also Italian or Hungarian are official languages, the freedom to use the Italian or Hungarian sign language, respectively, shall be guaranteed. The use of these languages and the status of their users shall be regulated by law.

The freedom to use and develop tactile sign language shall be regulated by law.

## **Article 63 (Prohibition of Incitement to Discrimination and Intolerance and Prohibition of Incitement to Violence and War)**

Any incitement to national, racial, religious, or other discrimination, and the inflaming of national, racial, religious, or other hatred and intolerance are unconstitutional.

Any incitement to violence and war is unconstitutional.

## **Article 64 (Special Rights of the Autochthonous Italian and Hungarian National Communities in Slovenia)**

The autochthonous Italian and Hungarian national communities and their members shall be guaranteed the right to use their national symbols freely and, in order to preserve their national identity, the right to establish organisations and develop economic, cultural, scientific,

and research activities, as well as activities in the field of public media and publishing. In accordance with laws, these two national communities and their members have the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling. The geographic areas in which bilingual schools are compulsory shall be established by law. These national communities and their members shall be guaranteed the right to foster relations with their nations of origin and their respective countries. The state shall provide material and moral support for the exercise of these rights.

In order to exercise their rights, the members of these communities shall establish their own self-governing communities in the geographic areas where they live. On the proposal of these self-governing national communities, the state may authorise them to perform certain functions under national jurisdiction, and shall provide funds for the performing of such functions.

The two national communities shall be directly represented in representative bodies of local self-government and in the National Assembly.

The status of the Italian and Hungarian national communities and the manner in which their rights are

exercised in the geographic areas where they live, the obligations of the self-governing local communities for the exercise of these rights, and those rights which the members of these national communities exercise also outside these areas, shall all be regulated by law. The rights of both national communities and their members shall be guaranteed irrespective of the number of members of these communities.

Laws, regulations, and other general acts that concern the exercise of the constitutionally provided rights and the status of the national communities exclusively, may not be adopted without the consent of representatives of these national communities.

## **Article 65 (Status and Special Rights of the Roma Community in Slovenia)**

The status and special rights of the Roma community living in Slovenia shall be regulated by law.

# III. ECONOMIC AND SOCIAL RELATIONS

## **Article 66 (Security of Employment)**

The state shall create opportunities for employment and work, and shall ensure the protection of both by law.

## **Article 67 (Property)**

The manner in which property is acquired and enjoyed shall be established by law so as to ensure its economic, social, and environmental function.

The manner and conditions of inheritance shall be established by law.

## **Article 68<sup>9</sup>** **(Ownership Rights of Foreigners)**

Foreigners may acquire ownership rights to real estate under conditions provided by law or a treaty ratified by the National Assembly.

## **Article 69** **(Expropriation)**

Ownership rights to real estate may be revoked or limited in the public interest with the provision of compensation in kind or monetary compensation under conditions established by law.

## **Article 70** **(Public Goods and Natural Resources)**

Special rights to use a public goods may be acquired, subject to conditions established by law.

The conditions under which natural resources may be exploited shall be established by law.



The law may provide that natural resources may also be exploited by foreign persons and shall establish the conditions for such exploitation.

## **Article 70a<sup>18</sup>** **(Right to Drinking Water)**

Everyone has the right to drinking water.

Water resources shall be a public good managed by the state.

As a priority and in a sustainable manner, water resources shall be used to supply the population with drinking water and water for household use and in this respect shall not be a market commodity.

The supply of the population with drinking water and water for household use shall be ensured by the state through self-governing local communities directly and on a not-for-profit basis.

## **Article 71 (Protection of Land)**

The law shall establish special conditions for land utilisation in order to ensure its proper use.

Special protection of agricultural land shall be provided by law.

The state shall promote the economic, cultural, and social advancement of the population living in mountain and hill areas.

## **Article 72 (Healthy Living Environment)**

Everyone has the right in accordance with the law to a healthy living environment.

The state shall promote a healthy living environment. To this end, the conditions and manner in which economic and other activities are pursued shall be established by law.

The law shall establish under which conditions and to what extent a person who has damaged the living environment is obliged to provide compensation. The protection of animals from cruelty shall be regulated by law.

## **Article 73 (Protection of the Natural and Cultural Heritage)**

Everyone is obliged in accordance with the law to protect natural sites of special interest, rarities, and cultural monuments.

The state and local communities shall promote the preservation of the natural and cultural heritage.

## **Article 74 (Free Enterprise)**

Free economic initiative shall be guaranteed.

The conditions for establishing commercial organisations shall be established by law. Commercial activities may not be pursued in a manner contrary to the public interest.

Unfair competition practices and practices which restrict competition in a manner contrary to the law are prohibited.

## **Article 75 (Participation in Management)**

Employees shall participate in the management of commercial organisations and institutes in a manner and under conditions provided by law.

## **Article 76 (Freedom of Trade Unions)**

The freedom to establish, operate, and join trade unions shall be guaranteed.

## **Article 77 (Right to Strike)**

Employees have the right to strike.

Where required by the public interest, the right to strike may be restricted by law, with due consideration given to the type and nature of activity involved.

## **Article 78 (Proper Housing)**

The state shall create opportunities for citizens to obtain proper housing.

## **Article 79 (Foreigners Employed in Slovenia)**

Foreigners employed in Slovenia and members of their families have special rights provided by law.

## IV. ORGANISATION OF THE STATE

### a) The National Assembly

#### **Article 80<sup>10</sup>** **(Composition and Election)**

The National Assembly is composed of deputies of the citizens of Slovenia and comprises ninety deputies.

Deputies are elected by universal, equal, direct, and secret voting.

One deputy of the Italian and one deputy of the Hungarian national communities shall always be elected to the National Assembly.

The electoral system shall be regulated by a law passed by the National Assembly by a two-thirds majority vote of all deputies.

Deputies, except for the deputies of the national communities, are elected according to the principle of proportional representation with a four-percent threshold

required for election to the National Assembly, with due consideration that voters have a decisive influence on the allocation of seats to the candidates.

## **Article 81**

### **(Term of the National Assembly)**

The National Assembly is elected for four years.

If the term of the National Assembly expires during a war or state of emergency, its term shall expire six months after the end of the war or state of emergency, or earlier if the National Assembly itself so decides.

Elections to the National Assembly are called by the President of the Republic. A new National Assembly shall be elected no sooner than two months and no later than fifteen days before the expiry of four years from the date of the first session of the previous National Assembly. If the National Assembly is dissolved, a new National Assembly shall be elected no later than two months after the dissolution of the previous one. The term of the previous National Assembly shall end on the first session of the new National Assembly, which shall be called by the President of the Republic no later than

twenty days after the election of the new National Assembly.

## **Article 82 (Deputies)**

Deputies of the National Assembly are representatives of all the people and shall not be bound by any instructions.

The law shall establish who may not be elected a deputy, and the incompatibility of the office of deputy with other offices and activities.

The National Assembly confirms the election of deputies. In accordance with the law, an appeal may be made before the Constitutional Court against a decision of the National Assembly.

## **Article 83 (Immunity of Deputies)**

No deputy of the National Assembly shall be criminally liable for any opinion expressed or vote cast at sessions of the National Assembly or its working bodies.



No deputy may be detained nor, where such deputy claims immunity, may criminal proceedings be initiated against him without the permission of the National Assembly, except where such deputy has been apprehended committing a criminal offence for which a prison sentence of over five years is prescribed.

The National Assembly may also grant immunity to a deputy who has not claimed such immunity or who has been apprehended committing such criminal offence as referred to in the preceding paragraph.

## **Article 84**

### **(President of the National Assembly)**

The National Assembly has a president who is elected by a majority vote of all deputies.

## **Article 85**

### **(Sessions of the National Assembly)**

The National Assembly meets in regular and extraordinary sessions.

Regular and extraordinary sessions are called by the President of the National Assembly; an extraordinary session must be called if so required by at least a quarter of the deputies of the National Assembly or by the President of the Republic.

## **Article 86 (Decision-making)**

The National Assembly may pass decisions if a majority of deputies are present at the session. The National Assembly adopts laws and other decisions and ratifies treaties by a majority of votes cast by those deputies present, except where a different type of majority is provided by the Constitution or by law.

## **Article 87 (Legislative Power of the National Assembly)**

The rights and duties of citizens and other persons may be determined by the National Assembly only by law.

## **Article 88 (Legislative Initiative)**

Laws may be proposed by the Government or by any deputy. Laws may also be proposed by at least five thousand voters.

## **Article 89 (Legislative Procedure)**

The National Assembly shall pass laws in a multi-phase procedure unless otherwise provided by its rules of procedure.

## **Article 90<sup>11</sup> (Legislative Referendum)**

The National Assembly shall call a referendum on the entry into force of a law that it has adopted if so required by at least forty thousand voters.

A referendum may not be called:

- on laws on urgent measures to ensure the defence of the state, security, or the elimination of the consequences of natural disasters;
- on laws on taxes, customs duties, and other compulsory charges, and on the law adopted for the implementation of the state budget;
- on laws on the ratification of treaties;
- on laws eliminating an unconstitutionality in the field of human rights and fundamental freedoms or any other unconstitutionality.

The right to vote in a referendum is held by all citizens who are eligible to vote in elections.

A law is rejected in a referendum if a majority of voters who have cast valid votes vote against the law, provided at least one fifth of all qualified voters have voted against the law.

Referendums are regulated by a law passed in the National Assembly by a two-thirds majority vote of deputies present.

## **Article 91 (Promulgation of Laws)**

Laws are promulgated by the President of the Republic no later than eight days after they have been passed.

The National Council may within seven days of the passing of a law and prior to its promulgation require the National Assembly to decide again on such law. In deciding again, a majority of all deputies must vote for such law to be passed unless the Constitution envisages a higher majority for the passing of the law under consideration. Such new decision by the National Assembly is final.

## **Article 92 (War and State of Emergency)**

A state of emergency shall be declared whenever a great and general danger threatens the existence of the state. The declaration of war or state of emergency, urgent measures, and their repeal shall be decided upon by the National Assembly on the proposal of the Government.

The National Assembly decides on the use of the defence forces.

In the event that the National Assembly is unable to convene, the President of the Republic shall decide on matters from the first and second paragraphs of this article. Such decisions must be submitted for confirmation to the National Assembly immediately upon its next convening.

## **Article 93 (Parliamentary Inquiry)**

The National Assembly may order inquiries on matters of public importance, and it must do so when required by a third of the deputies of the National Assembly or when required by the National Council. For this purpose it shall appoint a commission which in matters of investigation and examination has powers comparable to those of judicial authorities.

## **Article 94 (Rules of Procedure of the National Assembly)**

The National Assembly has rules of procedure which it adopts by a two-thirds majority vote of deputies present.

## **Article 95 (Remuneration of Deputies)**

Deputies of the National Assembly receive such salary or remuneration as are established by law.

# **b) The National Council**

## **Article 96 (Composition)**

The National Council is the representative body for social, economic, professional, and local interests. The

National Council has forty members.

It is composed of:

- four representatives of employers;
- four representatives of employees;
- four representatives of farmers, crafts and trades, and independent professions;
- six representatives of non-commercial fields;
- twenty-two representatives of local interests.

The organisation of the National Council is regulated by law.

## **Article 97<sup>12</sup>** **(Powers of the National Council)**

The National Council may:

- propose to the National Assembly the passing of laws;
- convey to the National Assembly its opinion on all matters within the competence of the National Assembly;
- require the National Assembly to decide again on a given law prior to its promulgation;



- require inquiries on matters of public importance as referred to in Article 93.

Where required by the National Assembly, the National Council must express its opinion on an individual matter.

## **Article 98 (Election)**

Election to the National Council shall be regulated by a law passed by the National Assembly by a two-thirds majority vote of all deputies.

Members of the National Council are elected for a term of five years.

## **Article 99<sup>13</sup> (Decision-Making)**

The National Council may pass decisions if a majority of members are present at the session.

The National Council decides by a majority of votes cast by those members present.

## **Article 100 (Immunity and Incompatibility of Office)**

A member of the National Council may not at the same time be a deputy of the National Assembly.

Members of the National Council enjoy the same immunity as deputies. Immunity is decided upon by the National Council.

## **Article 101 (Rules of Procedure of the National Council)**

The National Council has rules of procedure which it adopts by a majority vote of all members.

# c) President of the Republic

## **Article 102 (Office of President of the Republic)**

The President of the Republic represents the Republic of Slovenia and is commander-in-chief of its defence forces.

## **Article 103 (Election of the President of the Republic)**

The President of the Republic is elected in direct, general elections by secret ballot.

The candidate who receives a majority of the valid votes cast is elected President of the Republic.

The President of the Republic is elected for a term of five years and may be elected for a maximum of two consecutive terms. If the term of office of the President

of the Republic expires during a war or state of emergency, the President's term shall expire six months after the cessation of such war or state of emergency.

Only a citizen of Slovenia may be elected President of the Republic.

Elections to the office of President of the Republic are called by the President of the National Assembly. The President of the Republic must be elected no later than fifteen days before the expiry of the term of the incumbent President.

## **Article 104 (Oath of Office of the President of the Republic)**

Before taking office, the President of the Republic shall swear the following oath before the National Assembly:

"I swear that I shall uphold the constitutional order, that I shall act according to my conscience and that I shall do all in my power for the good of Slovenia."

## **Article 105 (Incompatibility of the Office of President of the Republic)**

The office of President of the Republic is incompatible with any other public office or occupation.

## **Article 106 (Deputisation of the President of the Republic)**

In the event of permanent absence, death, resignation, or other cessation of performing the office of President, the President of the National Assembly shall temporarily perform the duties of the office of President of the Republic until the election of a new President of the Republic. In such event, elections for a new President of the Republic must be called no later than fifteen days after the cessation of office of the previous President of the Republic.

The President of the National Assembly also temporarily performs the duties of the office of President of the Republic during any absence of the President of the Republic.

## **Article 107 (Powers of the President of the Republic)**

The President of the Republic:

- calls elections to the National Assembly;
- promulgates laws;
- appoints state officials where provided by law;
- appoints and recalls ambassadors and envoys of the Republic, and accepts the letters of credence of foreign diplomatic representatives;
- issues instruments of ratification;
- decides on the granting of clemency;
- confers decorations and honorary titles;
- performs other duties determined by this Constitution.

Where required by the National Assembly, the President of the Republic must express his opinion on an individual issue.

## **Article 108** **(Decrees with the Force of Law)**

In the event that the National Assembly is unable to convene due to a state of emergency or war, the President of the Republic may, on the proposal of the Government, issue decrees with the force of law.

Such decrees may, in exception, restrict individual rights and fundamental freedoms as provided by Article 16 of this Constitution.

The President of the Republic must submit decrees with the force of law to the National Assembly for confirmation immediately upon its next convening.

## **Article 109** **(Accountability of the President of the Republic)**

If in the performance of his office the President of the Republic violates the Constitution or seriously violates the law, he may be impeached by the National Assembly before the Constitutional Court. The Constitutional Court shall decide either that the impeachment

charges are justified or it shall dismiss the charges, and it may further decide on relieving the President of office by a two-thirds majority vote of all judges. Upon receiving a resolution on impeachment from the National Assembly, the Constitutional Court may decide that pending a decision on impeachment the President of the Republic may not perform his office.

## č) The Government

### **Article 110 (Composition of the Government)**

The Government is composed of the president and ministers. Within the scope of their powers, the Government and individual ministers are independent and accountable to the National Assembly.



## **Article 111 (Election of the President of the Government)**

After consultation with the leaders of deputy groups the President of the Republic proposes to the National Assembly a candidate for President of the Government.

The President of the Government is elected by the National Assembly by a majority vote of all deputies unless otherwise provided by this Constitution. Voting is by secret ballot.

If such candidate does not receive the necessary majority of votes, the President of the Republic may after renewed consultation propose within fourteen days a new candidate, or the same candidate again, and candidates may also be proposed by deputy groups or a minimum of ten deputies. If within this period several candidates have been proposed, each one is voted on separately beginning with the candidate proposed by the President of the Republic, and if this candidate is not elected, a vote is taken on the other candidates in the order in which they were proposed.

If no candidate is elected, the President of the Republic dissolves the National Assembly and calls new elections, unless within forty-eight hours the National Assembly decides by a majority of votes cast by those deputies present to hold new elections for President of the Government, whereby a majority of votes cast by those deputies present is sufficient for the election of the candidate. In such new elections a vote is taken on candidates individually in order of the number of votes received in the earlier voting and then on the new candidates proposed prior to the new vote, wherein any candidate proposed by the President of the Republic takes precedence.

If in such elections no candidate receives the necessary number of votes, the President of the Republic dissolves the National Assembly and calls new elections.

## **Article 112**

### **(Appointment of Ministers)**

Ministers are appointed and dismissed by the National Assembly on the proposal of the President of the Government.

Prior to appointment a proposed minister must appear before a competent commission of the National Assembly and answer its questions.

## **Article 113 (Oath of Office of the Government)**

Upon election and appointment respectively, the President of the Government and ministers shall swear before the National Assembly the oath of office provided by Article 104.

## **Article 114 (Organisation of the Government)**

The President of the Government is responsible for ensuring the unity of the political and administrative direction of the Government and coordinates the work of ministers. Ministers are collectively accountable for the work of the Government, and each minister is accountable for the work of his ministry.

The composition and functioning of the Government, and the number, competencies, and organisation of ministries shall be regulated by law.

## **Article 115 (Termination of Office of the President of the Government and Ministers)**

The President of the Government and ministers cease to hold office when a new National Assembly convenes following elections; ministers also cease to hold office whenever the President of the Government ceases to hold office and whenever such ministers are dismissed or resign; ministers must, however, continue to perform their regular duties until the election of a new President of the Government or until the appointment of new ministers.

## **Article 116 (Vote of No Confidence)**

The National Assembly may pass a vote of no confidence in the Government only by electing a new President of the Government on the proposal of at least ten deputies and by a majority vote of all deputies. The incumbent President of the Government is thereby dismissed, but together with his ministers he must continue to perform his regular duties until the swearing in of a new Government.

No less than forty-eight hours must elapse between the lodging of a proposal to elect a new President of the Government and the vote itself, unless the National Assembly decides otherwise by a two-thirds majority vote of all deputies, or if the country is at war or in a state of emergency.

Where the President of the Government has been elected on the basis of the fourth paragraph of Article 111, a vote of no confidence is expressed in him if on the proposal of at least ten deputies, the National Assembly elects a new President of the Government by a majority of votes cast.

## **Article 117 (Vote of Confidence)**

The President of the Government may require a vote of confidence in the Government. If the Government does not receive the support of a majority vote of all deputies, within thirty days the National Assembly must elect a new President of the Government or in a new vote express its confidence in the incumbent President of the Government, or failing this, the President of the Republic dissolves the National Assembly and calls new elections. The President of the Government may tie the issue of confidence to the adoption of a law or to some other decision in the National Assembly. If such decision is not adopted, it is deemed that a vote of no confidence in the Government has been passed.

No less than forty-eight hours must elapse between the requirement of a vote of confidence and the vote itself.

## **Article 118 (Interpellation)**

An interpellation with respect to the work of the Government or an individual minister may be initiated in the National Assembly by at least ten deputies.

If, after the debate following such interpellation, a majority of all deputies carries a vote of no confidence in the Government or in an individual minister, the National Assembly dismisses the Government or said minister.

## **Article 119 (Impeachment of the President of the Government and Ministers)**

The National Assembly may impeach the President of the Government or ministers before the Constitutional Court on charges of violating the Constitution and laws during the performance of their office. The Constitutional Court considers the charges in such a manner as determined in Article 109.

## d) State Administration

### **Article 120 (Organisation and Work of the State Administration)**

The organisation of the state administration, its competence and the manner of appointment of its officers are regulated by law.

Administrative authorities perform their work independently within the framework and on the basis of the Constitution and laws.

Judicial protection of the rights and legal interests of citizens and organisations is guaranteed against decisions and actions of administrative authorities and bearers of public authority.

### **Article 121<sup>14</sup> (Public Authority)**

By law or on the basis thereof, legal entities and natural persons may be vested with the public authority to perform certain duties of the state administration.



## **Article 122 (Employment in the State Administration)**

Employment in the state administration is possible only on the basis of open competition, except in cases provided by law.

## **e) National Defence**

### **Article 123 (Duty to Participate in the National Defence)**

Participation in the national defence is compulsory for citizens within the limits and in the manner provided by law.

Citizens who due to their religious, philosophical, or humanitarian convictions are not willing to perform military duties, must be given the opportunity to participate in the national defence in some other manner.

## **Article 124 (National Defence)**

The form, extent, and organisation of the defence of the inviolability and integrity of the national territory shall be regulated by a law adopted by the National Assembly by a two-thirds majority vote of deputies present.

The conducting of defence is supervised by the National Assembly.

In the provision of security the state proceeds principally from a policy of peace, and an ethic of peace and non-aggression.

## **f) The Judiciary**

### **Article 125 (Independence of Judges)**

Judges shall be independent in the performance of the judicial function. They shall be bound by the Constitution and laws.

## **Article 126 (Organisation and Jurisdiction of Courts)**

The organisation and jurisdiction of courts are determined by law.

Extraordinary courts may not be established, nor may military courts be established in peacetime.

## **Article 127 (The Supreme Court)**

The Supreme Court is the highest court in the state. It decides on ordinary and extraordinary legal remedies and performs other functions provided by law.

## **Article 128 (Participation of Citizens in the Exercise of Judicial Power)**

The circumstances and form of the direct participation of citizens in the exercise of judicial power are regulated by law.

## **Article 129 (Permanence of Judicial Office)**

The office of a judge is permanent. The age requirement and other conditions for election are determined by law.

The retirement age of judges is determined by law.

## **Article 130 (Election of Judges)**

Judges are elected by the National Assembly on the proposal of the Judicial Council.

## **Article 131 (Judicial Council)**

The Judicial Council is composed of eleven members. The National Assembly elects five members on the proposal of the President of the Republic from among university professors of law, attorneys, and other lawyers, whereas judges holding permanent judicial

office elect six members from among their own number. The members of the council select a president from among their own number.

## **Article 132 (Termination of and Dismissal from Judicial Office)**

A judge ceases to hold judicial office where circumstances arise as provided by law.

If in the performance of the judicial office a judge violates the Constitution or seriously violates the law, the National Assembly may dismiss such judge on the proposal of the Judicial Council.

If a judge is found by a final judgement to have deliberately committed a criminal offence through the abuse of the judicial office, the National Assembly dismisses such judge.

## **Article 133 (Incompatibility of Judicial Office)**

Judicial office is not compatible with office in other state authorities, in local self-government authorities, and in bodies of political parties, and with other offices and activities as provided by law.

## **Article 134 (Immunity of Judges)**

No one who participates in making judicial decisions may be held accountable for an opinion expressed during decision-making in court.

If a judge is suspected of a criminal offence in the performance of judicial office, he may not be detained nor may criminal proceedings be initiated against him without the consent of the National Assembly.

# **g) The State Prosecutor's Office**

## **Article 135 (State Prosecutor)**

State Prosecutors file and present criminal charges and have other powers provided by law.

The organisation and powers of state prosecutor offices are provided by law.

## **Article 136 (Incompatibility of the Office of State Prosecutor)**

The office of State Prosecutor is not compatible with office in other state authorities, in local self-government authorities, and in bodies of political parties, and with other offices and activities as provided by law.

# h) Attorneyship and Notariat

## **Article 137 (Attorneyship and Notariat)**

Attorneyship is an independent service within the system of justice, and is regulated by law.

The notariat is a public service regulated by law.



# V. SELF-GOVERNMENT

## a) Local Self-Government

### **Article 138 (Exercise of Local Self-Government)**

Residents of Slovenia exercise local self-government in municipalities and other local communities.

### **Article 139 (Municipalities)**

Municipalities are self-governing local communities.

The territory of a municipality comprises a settlement or several settlements bound together by the common needs and interests of the residents.

A municipality is established by law following a referendum by which the will of the residents in a given territory is determined. The territory of the municipality is also defined by law.

## **Article 140<sup>15</sup>** **(Scope of Local Self-Government)**

The competencies of a municipality comprise local affairs which may be regulated by the municipality autonomously and which affect only the residents of the municipality.

By law, the state may transfer to municipalities the performance of specific duties within the state competence if it also provides the financial resources to enable such.

State authorities shall supervise the proper and competent performance of work relating to matters vested in local community authorities by the state.

## **Article 141** **(Urban Municipalities)**

A town may attain the status of an urban municipality in accordance with such procedure and under such conditions as provided by law.

An urban municipality performs, as being within its original competence, particular duties within the state

competence relating to urban development as provided by law.

## **Article 142 (Municipal Revenue)**

A municipality is financed from its own sources. Municipalities that are unable to completely provide for the performance of their duties due to insufficient economic development are ensured additional funding by the state in accordance with principles and criteria provided by law.

## **Article 143<sup>16</sup> (Region)**

A region is a self-governing local community that manages local affairs of wider importance, and certain affairs of regional importance provided by law.

Regions are established by a law which also determines their territory, seat, and name. Such law is adopted by the National Assembly by a two-thirds majority vote

of deputies present. The participation of the municipalities must be ensured in the procedure for adopting the law.

By law, the state transfers the performance of specific duties within the state competence to the regions and must provide to them the necessary financial resources to enable such.

## **Article 144** **(Supervision by State Authorities)**

State authorities supervise the legality of the work of local community authorities.

## **b) Other Forms of Self-Government**

### **Article 145 (Self-Government in the Field of Social Activities)**

Citizens may form self-governing associations to promote their interests.

Citizens may be given the authority by law to manage through self-government particular matters within the state competence.

# VI. PUBLIC FINANCE

## **Article 146 (Financing of the State and Local Communities)**

The state and local communities raise funds for the performance of their duties by means of taxes and other compulsory charges as well as from revenues from their own assets.

The state and local communities disclose the value of their assets by means of balance sheets.

## **Article 147 (Taxes)**

The state imposes taxes, customs duties, and other charges by law. Local communities impose taxes and other charges under conditions provided by the Constitution and law.

## **Article 148<sup>17</sup> (Budgets)**

All revenues and expenditures for the financing of public spending must be included in the budgets of the state.

Revenues and expenditures of the budgets of the state must be balanced in the medium-term without borrowing, or revenues must exceed expenditures. Temporary deviation from this principle is only allowed when exceptional circumstances affect the state.

The manner and the time frame of the implementation of the principle referred to in the preceding paragraph, the criteria for determining exceptional circumstances, and the course of action when they arise, shall be determined by a law adopted by the National Assembly by a two-thirds majority vote of all deputies.

If a budget has not been adopted by the first day it is due to be implemented, the beneficiaries financed by the budget are temporarily financed in accordance with the previous budget.

## **Article 149 (State Borrowings)**

State borrowings and guarantees by the state for loans are only permitted on the basis of law.

## **Article 150 (The Court of Audit)**

The Court of Audit is the highest authority for supervising state accounts, the state budget, and all public spending.

The organisation and powers of the Court of Audit are provided by law.

The Court of Audit is independent in the performance of its duties and bound by the Constitution and laws.

## **Article 151 (Appointment of Members to the Court of Audit)**

Members of the Court of Audit are appointed by the National Assembly.



## **Article 152 (The Central Bank)**

Slovenia has a central bank. In its functioning the bank is independent and directly accountable to the National Assembly. The central bank is established by law.

The governor of the central bank is appointed by the National Assembly.

# VII. CONSTITUTIONALITY AND LEGALITY

## **Article 153 (Conformity of Legal Acts)**

Laws, regulations, and other general acts must be in conformity with the Constitution.

Laws must be in conformity with generally accepted principles of international law and with valid treaties ratified by the National Assembly, whereas regulations and other general acts must also be in conformity with other ratified treaties.

Regulations and other general acts must be in conformity with the Constitution and laws.

Individual acts and actions of state authorities, local community authorities, and bearers of public authority must be based on a law or regulation adopted pursuant to law.

## **Article 154 (Validity and Publication of Regulations)**

Regulations must be published prior to entering into force. A regulation enters into force on the fifteenth day after its publication unless otherwise determined in the regulation itself.

State regulations are published in the official gazette of the state, whereas local community regulations are published in the official publication determined by the local community.

## **Article 155 (Prohibition of the Retroactive Effect of Legal Acts)**

Laws and other regulations and general acts cannot have retroactive effect.

Only a law may establish that certain of its provisions have retroactive effect, if this is required in the public interest and provided that no acquired rights are infringed thereby.

## **Article 156 (Constitutional Review)**

If a court deciding some matter deems a law which it should apply to be unconstitutional, it must stay the proceedings and initiate proceedings before the Constitutional Court. The proceedings in the court may be continued after the Constitutional Court has issued its decision.

## **Article 157 (Judicial Review of Administrative Acts)**

A court having jurisdiction to review administrative acts decides the legality of final individual acts with which state authorities, local community authorities, and bearers of public authority decide the rights or obligations and legal entitlements of individuals and organisations, if other legal protection is not provided by law for a particular matter.

If other legal protection is not provided, the court having jurisdiction to review administrative acts also

decides on the legality of individual actions and acts which intrude upon the constitutional rights of the individual.

## **Article 158 (Finality of Legal Decisions)**

Legal relations regulated by the final decision of a state authority may be annulled *ab initio*, abrogated, or amended only in such cases and by such procedures as are provided by law.

## **Article 159 (Ombudsman for Human Rights and Fundamental Freedoms)**

In order to protect human rights and fundamental freedoms in relation to state authorities, local self-government authorities, and bearers of public authority, the office of the ombudsman for the rights of citizens shall be established by law.

Special ombudsmen for the rights of citizens may also be established by law for particular fields.

# VIII. THE CONSTITUTIONAL COURT

## Article 160 (Powers of the Constitutional Court)

The Constitutional Court decides:

- on the conformity of laws with the Constitution;
- on the conformity of laws and other regulations with ratified treaties and with the general principles of international law;
- on the conformity of regulations with the Constitution and with laws;
- on the conformity of local community regulations with the Constitution and with laws;
- on the conformity of general acts issued for the exercise of public authority with the Constitution, laws, and regulations;
- on constitutional complaints stemming from the

- violation of human rights and fundamental freedoms by individual acts;
- on jurisdictional disputes between the state and local communities and among local communities themselves;
  - on jurisdictional disputes between courts and other state authorities;
  - on jurisdictional disputes between the National Assembly, the President of the Republic, and the Government;
  - on the unconstitutionality of the acts and activities of political parties; and
  - on other matters vested in the Constitutional Court by this Constitution or laws.

In the process of ratifying a treaty, the Constitutional Court, on the proposal of the President of the Republic, the Government, or a third of the deputies of the National Assembly, issues an opinion on the conformity of such treaty with the Constitution. The National Assembly is bound by the opinion of the Constitutional Court.

Unless otherwise provided by law, the Constitutional Court decides on a constitutional complaint only if legal remedies have been exhausted. The Constitutional

Court decides whether to accept a constitutional complaint for adjudication on the basis of criteria and procedures provided by law.

## **Article 161 (Abrogation of a Law)**

If the Constitutional Court establishes that a law is unconstitutional, it abrogates such law in whole or in part. Such abrogation takes effect immediately or within a period of time determined by the Constitutional Court. This period of time may not exceed one year. The Constitutional Court annuls *ab initio* or abrogates other regulations or general acts that are unconstitutional or contrary to law. Under conditions provided by law, the Constitutional Court may, up until a final decision, suspend in whole or in part the implementation of an act whose constitutionality or legality is being reviewed.

If in deciding on a constitutional complaint the Constitutional Court establishes the unconstitutionality of a regulation or general act, it may, in accordance with the provisions of the first paragraph of this article, annul *ab initio* or abrogate such regulation or act.



The legal consequences of Constitutional Court decisions shall be regulated by law.

## **Article 162 (Proceedings before the Constitutional Court)**

Proceedings before the Constitutional Court shall be regulated by law.

The law determines who may require the initiation of proceedings before the Constitutional Court. Anyone who demonstrates legal interest may request the initiation of proceedings before the Constitutional Court.

The Constitutional Court decides by a majority vote of all its judges unless otherwise provided for individual cases by the Constitution or law. The Constitutional Court may decide whether to initiate proceedings following a constitutional complaint with fewer judges as provided by law.

## **Article 163 (Composition and Election)**

The Constitutional Court is composed of nine judges, elected on the proposal of the President of the Republic by the National Assembly in a manner provided by law.

The judges are elected from among legal experts.

The President of the Constitutional Court is elected by the judges from among their own number for a term of three years.

## **Article 164 (Early Termination of Office of a Constitutional Court Judge)**

A Constitutional Court judge may be subject to early termination of office in a manner provided by law only:

- if the judge himself so requests,
- if the judge is punished by imprisonment for a criminal offence, or
- due to permanent loss of capacity to perform his office.

## **Article 165 (Term of Office of Judges)**

Constitutional Court judges are elected for a term of nine years. Constitutional Court judges may not be re-elected.

Upon the expiry of the term for which a Constitutional Court judge has been elected, he continues to perform his office until the election of a new judge.

## **Article 166 (Incompatibility of Office)**

The office of Constitutional Court judge is not compatible with office in state authorities, in local self-government authorities, and in bodies of political parties, and with other offices and activities that are not compatible by law with the office of Constitutional Court judge.

## **Article 167 (Immunity)**

Constitutional Court judges enjoy the same immunity as National Assembly deputies. The National Assembly decides on such immunity.

# IX. PROCEDURE FOR AMENDING THE CONSTITUTION

## **Article 168 (Proposal to Initiate the Procedure)**

A proposal to initiate the procedure for amending the Constitution may be made by twenty deputies of the National Assembly, the Government, or at least thirty thousand voters.

Such proposal is decided upon by the National Assembly by a two-thirds majority vote of deputies present.

## **Article 169 (Acts Amending the Constitution)**

The National Assembly adopts acts amending the Constitution by a two-thirds majority vote of all deputies.

## **Article 170 (Confirmation of Constitutional Amendments by Referendum)**

The National Assembly must submit a proposed constitutional amendment to voters for adoption in a referendum if so required by at least thirty deputies.

A constitutional amendment is adopted in a referendum if a majority of those voting voted in favour of the same, provided that a majority of all voters participated in the referendum.

## **Article 171 (Promulgation of Constitutional Amendments)**

Constitutional amendments enter into force upon their promulgation in the National Assembly.

# X. TRANSITIONAL AND FINAL PROVISIONS

## **Article 172**

This Constitution shall enter into force upon its promulgation.

## **Article 173**

The provisions of this Constitution shall apply from the day of its promulgation, unless otherwise provided in the constitutional act implementing this Constitution.

## **Article 174**

A constitutional act shall be passed in order to implement this Constitution and to ensure transition to the application of the provisions of this Constitution.

The constitutional act shall be passed by a two-thirds majority vote of all deputies in all chambers of the Assembly of the Republic of Slovenia.

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## NOTES:

- 1 Socialist Federal Republic of Yugoslavia (translator's note).
- 2 Adopted and entered into force on 25 June 1991 (Official Gazette of the Republic of Slovenia Nos. 1/91-I and 19/91).
- 3 This consolidated text includes the original Constitution of 23 December 1991 (Official Gazette of the Republic of Slovenia No. 33/91-I) and the amendments adopted by the Constitutional Act of 14 July 1997 (Official Gazette of the Republic of Slovenia No. 42/97), the Constitutional Act of 25 July 2000 (Official Gazette of the Republic of Slovenia No. 66/00), the Constitutional Act of 27 February 2003 (Official Gazette of the Republic of Slovenia No. 24/03), the Constitutional Acts of 15 June 2004 (Official Gazette of the Republic of Slovenia No. 69/04), the Constitutional



Act of 20 June 2006 (Official Gazette of the Republic of Slovenia No. 68/06), the Constitutional Acts of 24 May 2013 (Official Gazette of the Republic of Slovenia No. 47/13), and the Constitutional Act of 17 November 2016 (Official Gazette of the Republic of Slovenia No. 75/16).

4 As amended by the Constitutional Act Amending Chapter I and Articles 47 and 68 of the Constitution of the Republic of Slovenia, which was adopted on 27 February 2003 and entered into force on 7 March 2003 (Official Gazette of the Republic of Slovenia No. 24/03).

5 As amended by the Constitutional Act Amending Article 14 of the Constitution of the Republic of Slovenia, which was adopted on 15 June 2004 and entered into force on 23 June 2004 (Official Gazette of the Republic of Slovenia No. 69/04).

The original text of Article 14 read as follows: "In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status or any other personal circumstance. All are equal before the law."

6 As amended by the Constitutional Act Amending Article 43 of the Constitution of the Republic of Slovenia, which was adopted on 15 June 2004 and entered into force on

23 June 2004 (Official Gazette of the Republic of Slovenia No. 69/04). The original text of Article 43 read as follows: "The right to vote shall be universal and equal. Every citizen who has attained the age of eighteen years has the right to vote and be elected. The law may provide in which cases and under what conditions foreigners have the right to vote."

7 As amended by the Constitutional Act Amending Chapter I and Articles 47 and 68 of the Constitution of the Republic of Slovenia, which was adopted on 27 February 2003 and entered into force on 7 March 2003 (Official Gazette of the Republic of Slovenia No. 24/03).

The original text of Article 47 read as follows: "No citizen of Slovenia may be extradited to a foreign country. The extradition of foreigners shall only be permitted in cases covered by treaties that are binding on Slovenia."

8 As amended by the Constitutional Act Amending Article 50 of the Constitution of the Republic of Slovenia, which was adopted on 15 June 2004 and entered into force on 23 June 2004 (Official Gazette of the Republic of Slovenia No. 69/04).

The original text of Article 50 read as follows: "Citizens have the right to social security under conditions provided by law."

The state shall regulate compulsory health, pension, disability and other social insurance, and shall ensure its proper functioning.

Special protection in accordance with the law shall be guaranteed to war veterans and victims of war."

9 As amended by the Constitutional Act Amending Article 68 of the Constitution of the Republic of Slovenia, which was adopted and entered into force on 14 July 1997 (Official Gazette of the Republic of Slovenia No. 42/97) and the Constitutional Act Amending Chapter I and Articles 47 and 68 of the Constitution of the Republic of Slovenia, which was adopted on 27 February 2003 and entered into force on 7 March 2003 (Official Gazette of the Republic of Slovenia No. 24/03).

The original text of Article 68 read as follows: "Foreigners may acquire ownership rights to real estate under conditions provided by law.

Foreigners may not acquire title to land except by inheritance, under the condition of reciprocity." Following the amendment of 1997, the text of Article 68 read as follows: "Foreigners may acquire ownership rights to real estate under conditions provided by law or if so provided by a treaty ratified by the National Assembly, under the condition of reciprocity.

Such law and treaty from the preceding paragraph shall be adopted by the National Assembly by a two-thirds majority vote of all deputies."

10 As amended by the Constitutional Act Amending Article 80 of the Constitution of the Republic of Slovenia, which was adopted and entered into force on 25 July 2000 (Official Gazette of the Republic of Slovenia No. 66/00).

The original text of Article 80 read as follows: "The National Assembly is composed of deputies of the citizens of Slovenia and comprises ninety deputies.

Deputies are elected by universal, equal, direct and secret voting.

One deputy of the Italian and one deputy of the Hungarian national communities shall always be elected to the National Assembly.

The electoral system shall be regulated by a law passed by the National Assembly by a two-thirds majority vote of all deputies."

11 As amended by the Constitutional Act Amending Articles 90, 97, and 99 of the Constitution of the Republic of Slovenia, which was adopted on 24 May 2013 and entered into force on 31 May 2013 (Official Gazette of the Republic of Slovenia No. 47/13). The original text of Article 90 read as follows: "The National Assembly may call a referendum on any

issue which is the subject of regulation by law. The National Assembly is bound by the result of such referendum.

The National Assembly may call a referendum from the preceding paragraph on its own initiative, however it must call such referendum if so required by at least one third of the deputies, by the National Council, or by forty thousand voters.

The right to vote in a referendum is held by all citizens who are eligible to vote in elections. A proposal is passed in a referendum if a majority of those voting have cast votes in favour of the same. Referendums are regulated by a law passed in the National Assembly by a two-thirds majority vote of deputies present."

12 As amended by the Constitutional Act Amending Articles 90, 97, and 99 of the Constitution of the Republic of Slovenia, which was adopted on 24 May 2013 and entered into force on 31 May 2013 (Official Gazette of the Republic of Slovenia No. 47/13). The original text of Article 97 read as follows:

"The National Council may:

- propose to the National Assembly the passing of laws;
- convey to the National Assembly its opinion on all matters within the competence of the National Assembly;
- require the National Assembly to decide again on a given law prior to its promulgation;

- require the calling of a referendum as referred to in the second paragraph of Article 90;
- require inquiries on matters of public importance as referred to in Article 93.

Where required by the National Assembly, the National Council must express its opinion on an individual matter."

13 As amended by the Constitutional Act Amending Articles 90, 97, and 99 of the Constitution of the Republic of Slovenia, which was adopted on 24 May 2013 and entered into force on 31 May 2013 (Official Gazette of the Republic of Slovenia No. 47/13). The original text of Article 99 read as follows: "The National Council may pass decisions if a majority of members are present at the session.

The National Council decides by a majority of votes cast by those members present. Decisions requiring the calling of a referendum shall be adopted by the National Council by a majority vote of all members."

14 As amended by the Constitutional Act Amending Articles 121, 140, and 143 of the Constitution of the Republic of Slovenia, which was adopted on 20 June 2006 and entered into force on 27 June 2006 (Official Gazette of the Republic of Slovenia No. 68/06).

The original text of Article 121 read as follows: "(Duties of Administrative Authorities)

Duties of the state administration are performed directly by ministries.

Self-governing communities, enterprises, other organisations and individuals may be vested by law with public authority to perform certain duties of the state administration."

15 As amended by the Constitutional Act Amending Articles 121, 140, and 143 of the Constitution of the Republic of Slovenia, which was adopted on 20 June 2006 and entered into force on 27 June 2006 (Official Gazette of the Republic of Slovenia No. 68/06).

The original text of Article 140 read as follows: "(Scope of Local Self-Government)

The competencies of a municipality comprise local affairs which may be regulated by the municipality autonomously and which affect only the residents of the municipality.

With the prior consent of the municipality or wider self-governing local community, the state may by law vest specific duties within the state jurisdiction in the municipality or wider self-governing local community, if the state provides financial resources for this purpose.

State authorities shall supervise the proper and competent performance of work relating to matters vested in the local community bodies by the state."

16 As amended by the Constitutional Act Amending Articles 121, 140, and 143 of the Constitution of the Republic of Slovenia, which was adopted on 20 June 2006 and entered into force on 27 June 2006 (Official Gazette of the Republic of Slovenia No. 68/06).

The original text of Article 143 read as follows: "(Wider Self-Governing Local Communities)

Municipalities may independently decide to join into wider self-governing local communities, as well as regions, in order to regulate and manage local affairs of wider importance. In agreement with such communities, the state may transfer specific matters within the state competence into their original competence and determine the participation of such communities in proposing and performing particular matters within the state competence. The principles and criteria regarding the transfer of competence from the preceding paragraph are regulated by law."

17 As amended by the Constitutional Act Amending Articles 90, 97, and 99 of the Constitution of the Republic of Slovenia, which was adopted on 24 May 2013 and entered into force on 31 May 2013 (Official Gazette of the Republic of Slovenia No. 47/13). The original text of Article 148 read as follows: "All revenues and expenditures of the state and



local communities for the financing of public spending must be included in their budgets.

If a budget has not been adopted by the first day it is due to enter into force, the beneficiaries financed by the budget are temporarily financed in accordance with the previous budget."

<sup>18</sup> As amended by the Constitutional Act Amending Chapter III of the Constitution of the Republic of Slovenia, which was adopted on 17 November 2016 and entered into force on 25 November 2016 (Official Gazette of the Republic of Slovenia No. 75/16).

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