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Slovenian

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Types of legal professions

Slovenia

This page provides an overview of the legal profession in Slovenia. Prosecutors Judges Attorneys Notaries State Attorneys

Organisation of the legal profession:

Legal professions

In the Republic of Slovenia a person who has a university degree in law may pursue numerous professions in the area of justice, including judge, prosecutor, state attorney, attorney and notary.

Prosecutors (*Tožilci*)

Organisation

Pursuant to Article 135 of the Constitution of the Republic of Slovenia, state prosecutors (*državni tožilci*) **file and present criminal charges** and have **other powers provided by law**. Their powers and organisation are mostly laid down in the State Prosecutor's Office Act (*Zakon o državnem tožilstvu*) and the Criminal Procedure Act (*Zakon o kazenskem postopku*).

There are 11 district state prosecutor's offices (**okrožno državno tožilstvo**) in Slovenia (Celje, Koper, Kranj, Krško, Ljubljana, Maribor, Murska Sobota, Nova Gorica, Novo Mesto, Ptuj, Slovenj Gradec), a Specialised State Prosecutor's Office (**Specializirano državno tožilstvo**), organised on a country-wide basis, and a Supreme State Prosecutor's Office (**Vrhovno državno tožilstvo Republike Slovenije**) in Ljubljana.

The **Specialised State Prosecutor's Office** is responsible for prosecuting criminal activities in the areas of organised traditional and economic crime, terrorism, corruption and other criminal activities requiring detection and prosecution by specially organised and trained state prosecutors. The Department for the Investigation and Prosecution of Officials with Special Authorisations (**Odelek za preiskovanje in pregon uradnih oseb s posebnimi pooblastili, known as the posebni oddelek or 'special investigation department'**) operates as an independent organisational unit within the Specialised State Prosecutor's Office. **State prosecutors in this special investigation department are responsible for** the prosecution of criminal offences committed by police officials, officials in internal affairs agencies with police powers, military police officials, officials of the Ministry of Defence's intelligence and security service and officials of the Slovenian Intelligence and Security Agency. They also provide guidance to police officers working for the Department.

The **Supreme State Prosecutor's Office** is the highest ranking prosecutor's office in the country, within which operate:

supreme state prosecutors (*vrhovni državni tožilci*) and higher state prosecutors (*višji državni tožilci*),

state prosecutors on temporary or part-time assignment.

Higher state prosecutors represent appeals in appeal proceedings before higher courts (*višja sodišča*) in Slovenia. In proceedings with extraordinary remedies in the field of criminal law and in the field of civil and administrative affairs, supreme state prosecutors appear before the Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*).

The Supreme State Prosecutor's Office is organised into:

three departments (the criminal law department (*kazenski oddelek*), the civil and administrative affairs department (*civilno-upravni oddelek*) and the training and expert supervision department (*oddelek za izobraževanje in strokovni nadzor*)), and

the Expert Information Centre (*Strokovno informacijski center*), whose tasks include providing expert assistance in the area of taxation, financial, accounting and other disciplines required for the efficient performance of state prosecutors and ensuring the development, unity and operation of information support for the functioning of state prosecutors' offices.

Role and duties

The main role and duty of state prosecutors is the prosecution of criminal offences. Within this context they are responsible for:

taking all necessary steps for detecting criminal activities and tracking down offenders and for guiding the work of the police in pre-trial proceedings, in which the police are independent of the state prosecutor in organisational terms,

filing investigation requests,

filing and presenting charges in the relevant court, and

lodging appeals against non-final court judgments, and extraordinary remedies against final court decisions (appeals against first instance court decisions in criminal cases are presented by the state prosecutor who brought the charge in the first instance court, whereas extraordinary remedies are filed by supreme state prosecutors).

The applicable criminal legislation allows state prosecutors in certain circumstances to opt for alternative remedies to criminal prosecution for dealing with forms of criminal association. These include, firstly, transfer of the case to a settlement procedure and the conditional suspension of the criminal prosecution if the suspect is willing to behave as instructed by the prosecutor and to perform certain actions indicated by the prosecutor. If the settlement or the conditional suspension of the prosecution is successful, the state prosecutor may dismiss the criminal report, i.e. the case is settled out of court. The state prosecutor may also propose to the court the issue of a punishment order whereby the court sentences the accused party to a specific proposed penalty or measure without a hearing.

In addition, the Supreme State Prosecutor's Office performs **tasks outside the substantive coverage of criminal law**. In one of the three departments of the Supreme State Prosecutor's Office, the civil and administrative affairs department, supreme state prosecutors can **file a request for the protection of legality** (*zahteva za varstvo zakonitosti*) against appellate court (*pritožbeno sodišče*) decisions in litigious, non-contentious and other civil court proceedings. The prerequisite for filing this extraordinary judicial remedy is the **protection of the public interest, which can be determined only** by the Supreme State Prosecutor. The parties to the proceedings cannot therefore file requests for the protection of legality.

Judges

Organisation

Professional judges and lay judges

The status of **judges** (*sodniki*) is governed by Articles 125 to 134 of the Constitution of the Republic of Slovenia and the Judicial Service Act (*Zakon o sodniški službi*). Judges are officials who are elected by the National Assembly (*Državni zbor*) on the basis of a proposal from the Judicial Council (*Sodni svet*). The office of judge is permanent, and the age limit and conditions for election are laid down by law.

In order to be elected as a judge, a person must meet the following general conditions:

he/she is a Slovenian citizen and has an active command of the Slovenian language,

he/she must have legal capacity and be in good general health,

he/she is at least 30 years old,

he/she must have obtained the professional title of a lawyer with a university degree obtained in Slovenia or the professional title of bachelor of law (UN) and master of law or have obtained an equivalent qualification in law abroad that is attested by a foreign qualification certificate with an attached opinion on the qualification or with a decision recognising the qualification for employment purposes or a certificate of nostrification (*odločba o nostrifikaciji*),

he/she must have passed the State examination in law,

he/she has not been convicted of a criminal offence,

he/she is not the subject of a final indictment or, based on a charge, the subject of proceedings relating to a criminal offence prosecuted *ex officio*.

After the end of their term in office, judges who decided or judged on investigatory or court proceedings in which a judgment infringed fundamental human rights and freedoms no longer meet the conditions for election as a judge.

Judges have the status of public officials and are bound by the Constitution and legislation in the performance of their duties. Judicial office is not compatible with office in other state bodies, local self-government bodies and bodies of political parties, and with other offices and activities as provided for by law. There is no formal educational specialisation among judges. The legal field in which a judge mainly works is defined in the internal organisation of the individual court which, in order to resolve individual types of dispute, has various legal departments to which judges are assigned in line with its annual work programme. The Judicial Council decides on promotion to a higher judicial position and on promotion in grade. The Judicial Council also makes a proposal to the National Assembly for relieving a judge of his/her judicial office if, in the performance of his/her duties, he/she violates the Constitution or seriously violates the law or deliberately commits a criminal offence through the abuse of his/her judicial office. The promotion rates of judges in judicial office are set out in the organisation of courts in Slovenia. Judges can be: local judges (*okrajni sodniki*), district judges (*okrožni sodniki*), higher judges (*višji sodniki*) or supreme judges (*vrhovni sodniki*).

Judges are grouped together in the Slovenian Association of Judges, which is a member of the International Association of Judges. Membership of the association is voluntary.

Judicial panels can include both **professional judges** (*poklicni sodniki*) and **lay judges** (*sodniki porotniki*). When the law requires judgment by panel, the panel comprises a professional judge as chair of the panel and two lay judges as members of the panel, unless otherwise specified by law. When the law requires judgment by a five-member panel, the panel comprises a professional judge as chair of the panel, another professional judge, and three lay judges as members of the panel, unless otherwise specified by law. Any citizen of the Republic of Slovenia of at least 30 years of age, who has not been convicted by a final judgment of a criminal offence prosecuted *ex officio*, and who is of appropriate disposition and in general good health for judicial office and has an active knowledge of the Slovenian language. The term of office of lay judges is five years and they may be re-appointed. The presiding judge of a higher court appoints and dismisses the lay judges of the district courts that come under that higher court's jurisdiction.

The Judicial Council

The **Judicial Council** (*Sodni svet*) is the central body responsible for the regulation of the profession.

The **Judicial Council** comprises 11 members.

Five members are elected by the National Assembly, at the proposal of the President of the Republic of Slovenia, from a selection of university professors of law, attorneys and lawyers, and six members are elected from a selection put forward by judges working full-time in judicial office. The members of the Council select one of their members as President.

The Judicial Council has the following powers:

to propose candidates for election to judicial office to the National Assembly;

to propose to the National Assembly that a judge be dismissed;

to appoint and dismiss presidents of courts, other than the president of the Supreme Court of the Republic of Slovenia,

to decide on promotion to a higher judicial function and on faster promotion in grade, to the position of senior judge (*svetnik*), or to a higher judicial post, and on extraordinary promotion to a higher judicial function;

to rule on appeals against the decision to transfer or appoint to a judicial position, to a judicial function or to the position of senior judge and against the decision to classify in a grade;

to decide on issues of incompatibility of public functions as it affects the judiciary;

to provide an opinion on the draft budget for courts and to provide the National Assembly with an opinion on the laws governing the status, rights and duties of judges and judicial personnel;

to adopt a code of judicial conduct;

to adopt criteria for the selection of candidates for judicial posts following an opinion from the minister responsible for justice, and criteria for the quality of judges' performance for the assessment of their office;

to issue approval of policy on detection and management of the risk and exposure of courts to corruption and to monitor its implementation;

to appoint members of the Ethics and Integrity Committee (*Komisija za etiko in integriteto*);

to hear and decide on the grounds of an appeal by a judge who believes that his/her legal rights, or independent position, or the independence of the judiciary have been infringed;

to handle other matters, if so defined by law.

Unless otherwise provided by law, a **two-thirds majority vote** of all Judicial Council members is required for decisions on proposals concerning:

the election of judges;

the appointment, promotion and classification of judges in salary grades;

appeals against the decision to transfer or appoint to a judicial position, to a judicial function or to the position of senior judge;

appeals against the decision to classify in a grade;

the dismissal of judges;

criteria for the selection of candidates for judicial posts and criteria for the quality of judges' performance and criteria for the quality of the work of courts;

the rules of procedure of the Judicial Council.

Attorneys

Article 137 of the Constitution of the Republic of Slovenia states that the **attorneyship** (*odvetništvo*) is an autonomous independent service within the justice system and is regulated by law. The Attorneys' Act (*Zakon o odvetništvu*) states that, in the performance of their duties, attorneys (*odvetniki*) provide legal advice, represent and defend parties before the courts and other state bodies, draw up documents and represent parties in their legal relations. Only an attorney may represent a party before a court against payment, unless otherwise specified by law.

Anyone who meets the following conditions may be an attorney:

he/she must be a Slovenian citizen,

he/she has operational capacity,

he/she has obtained the following professional title in the Republic of Slovenia or has obtained an equivalent qualification abroad, as recognised in accordance with the law on the recognition and evaluation of education:

the professional title of a lawyer with a university degree,

the professional titles of bachelor of law (UN) and master of law,

the professional title of master of law on the basis of a second Bologna cycle master's programme,

he/she must have passed the State examination in law,

he/she has four years' work experience as a lawyer with a university degree in law, at least one year of which, after passing the state law examination, must be with a lawyer or law firm, a court, state prosecutor's office, state attorney's office or notary in a regular employment relationship concluded through a full-time employment contract.

he/she must have an active command of the Slovenian language,

he/she can be trusted to practise as an attorney,

he/she has the necessary equipment and premises to practise as an attorney,

he/she has passed an examination to test knowledge of the law on attorneyship, the official tariff for attorneys' fees and the Code of Conduct for Attorneys at the Bar Association of Slovenia (*Odvetniška zbornica Slovenije*).

The Attorneys' Act states that, in the performance of their duties, **attorneys:**

provide legal advice,

represent and defend parties before the courts and other state bodies,

draw up documents, and

represent parties in their legal relations.

Only an attorney may represent a party before a court against payment; in certain cases an articulated clerk may take the attorney's place.

Only an attorney may act as counsel for the defendant in **criminal proceedings**.

In **civil cases** the party may be represented before a local court by any person that has full operational capacity, whereas only an attorney or another person who has passed a state examination for attorneys may be an authorised representative before a district court, a higher court or the Supreme Court. In proceedings with extraordinary remedies, however, representation by an attorney is obligatory (with the exception of cases where the party or their statutory representative has passed a state law examination).

Representation by an attorney is also obligatory in all proceedings before courts under the Mental Health Act (*Zakon o duševnem zdravju*).

A foreign attorney who has been granted the right to practise as an attorney in his or her country of origin may do the following in the Republic of Slovenia under the conditions laid down by that Act:

provide specific attorney services that relate to practising as an attorney,

practise as an attorney under the professional title of his or her country of origin,

practise as an attorney under the title of 'attorney' (*odvetnik*).

An attorney's country of origin is the country in which he or she is entitled to practise as an attorney under the professional title obtained under the regulations of that country.

Under this Act, an attorney from another country which is a Member State of the European Union is an attorney who is entitled to practise as an attorney in any of the Member States of the European Union under the professional title obtained under the regulations of that country. An attorney from another country which is a Member State of the European Union is entered in the directory of foreign attorneys who may practise as an attorney in the Republic of Slovenia under the professional title of 'attorney' with all the rights and duties applicable to a practising attorney if that person meets the statutory conditions and passes the examination to test knowledge of the national law of the Republic of Slovenia. More details of the examination and the procedure for taking it are laid down by the Decree on the examination for attorneys from other countries (*Uredba o preizkusnem izpitu za odvetnike iz drugih držav*).

Attorneys may advertise their services under certain conditions, as the Act sets out permitted forms of advertising. He or she may practise individually or in a law firm. The umbrella organisation for attorneys is the Bar Association of Slovenia (*Odvetniška zbornica Slovenije*), which has its own rules and statute. The right to practise as a lawyer is acquired by being entered in the directory of lawyers that is kept at the Bar Association of Slovenia. Attorneys who complete a particular level or specialisation of professional education may, under certain conditions, ask the Bar Association of Slovenia to recognise their status of specialised attorney. The payment for attorneys' services is laid down in the official tariff for attorneys' fees, which is issued by the Bar Association, following approval by the Minister for Justice.

Legal databases

Basic regulations concerning attorneys are available in English from the website of the Bar Association.

The Bar Association operates a [search engine](#) (in Slovenian and English) that can be used to **search for attorneys** by:

name,

region,

knowledge of foreign languages and

areas of work.

Notaries

Organisation

The second paragraph of Article 137 of the Constitution of the Republic of Slovenia states that **notaries** (*notarji*) perform a public service regulated by law.

The Notaries Act (*Zakon o notariatu*) provides that notaries shall: as persons enjoying public trust, draw up, under the provisions of that Act, public documents on legal transactions, declarations of will or facts that give rise to rights; take documents, money and securities into safekeeping for delivery to third parties or state bodies; at the behest of the courts, perform the tasks which may be delegated to them in accordance with the law.

In order to be appointed, a notary must meet the following conditions:

he/she must be a citizen of the Republic of Slovenia, another Member State of the European Union or the European Economic Area or a citizen of the Swiss Confederation or a Member State of the Organisation for Economic Cooperation and Development,

he/she must have legal capacity and be in good general health,

he/she must have obtained the professional title of a lawyer with a university degree obtained in Slovenia or the professional title of bachelor of law (UN) and master of law or have obtained an equivalent qualification in law abroad that is attested by a foreign qualification certificate with an attached opinion on the qualification or with a decision recognising the qualification for employment purposes or a certificate of nostrification ,

he/she must have passed the State examination in law,

he/she must have five years' work experience as a lawyer with a university degree in law, of which at least one year with a notary and one year with a court, attorney or state attorney,

he/she must be considered trustworthy for the performance of a notary's duties,

he/she must have an active command of the Slovenian language,

he/she must have the appropriate equipment and premises required for the performance of a notary's duties,

he/she must be less than 64 years old.

Notwithstanding point 1 of the previous paragraph, citizens of another country that is not a Member State of the European Union or the European Economic Area, the Swiss Confederation or a Member State of the Organisation for Economic Cooperation and Development may also be appointed as notaries subject to legal and actual reciprocity.

A notary's duties are incompatible with those of an attorney or any paid office or function.

A notary is not authorised to perform tasks which are incompatible with the respectability and integrity required for the performance of a notary's duties or which may undermine confidence in the notary's impartiality or in the credibility of the documents he or she draws up.

A notary is appointed to a vacant post by the minister responsible for justice. Before the appointment of a notary the minister obtains the opinion of the Slovenian Chamber of Notaries (*Notarska zbornica Slovenije*) on the candidates put forward. The number of notaries is restricted and is determined on the basis of criteria set by the Ministry of Justice. In the event of any irregularity defined by law, the notary will be dismissed by the Minister for Justice. The Chamber of Notaries is the umbrella organisation for notaries.

Notaries are required by law to become members of the [Slovenian Chamber of Notaries](#).

Role and duties

Notaries perform a public service mainly in **preparing public and private documents**, which is very important for the security of legal transactions.

Public documents generally issued by notaries are **notarial records and notary's minutes**. Whereas a notary can prepare any kind of written contract for the parties, there are certain types of contracts and statutes of public and private limited companies that are **only valid** under Slovenian law **if they are issued as notarial records**. A notary can also record a last will and testament. In addition, copied documents and signatures sometimes need to be **authenticated** by a notary to ensure their validity before a court of law. Documents and securities can be deposited with a notary.

Legal databases

The website of the Chamber of Notaries provides access to a [list of all notaries](#) in Slovenia with contact information and a basic search engine.

The three registries operated by the Chamber of Notaries can be accessed from its website:

Registry of Custodian Notaries ([register skrbniških notarjev](#)),

Registry of Contracts on the Establishing of Custodian Accounts ([register skrbniških pogodb](#)),

<http://www.notar-z.si/registri/register-skrbniskih-pogodb-register-skrbniskih-notarjev/register-skrbniskih-pogodb-register>

Central Registry of Wills ([centralni register oporok](#)).

Other legal professions

[Judicial Assistant \(Sodniški pomočnik\)](#)  (372 Kb) 

State Attorneys

The role of **state attorneys** (*državni pravobranilci*) is defined in the State Attorney's Office Act (*Zakon o državnem pravobranilstvu*). The State Attorney's Office (*Državno pravobranilstvo*) represents the State, its bodies and its administrative organisations that are legal persons before the courts and performs other duties in accordance with the law. The tasks of the Office of the State Attorney's Office are performed by the State Attorney-General (*generalni državni pravobranilec*), the state attorneys and the state attorney's assistants (*pomočniki državnega pravobranilca*). State attorneys and state attorney's assistants are appointed by the Slovenian Government acting on a proposal from the Ministry of Justice after consulting the State Attorney-General. The term of office is eight years and may be renewed. The conditions for appointment to the position of state attorney are the same as for judicial office with additional requirements relating to work experience. The state attorney performs his or her duties in accordance with the Constitution and legal acts. He/she must represent the state ex officio. State attorneys and state attorney's assistants have the right to a basic salary in line with the pay grade of the job they are appointed to. The provisions concerning the incompatibility of a judge's duties apply mutatis mutandis to the state attorney's duties. He/she also represents the Republic of Slovenia in proceedings before the European Court of Justice and the European Court of Human Rights.

Related links

[Information on legal professions from the website of the State Prosecutor-General of the Republic of Slovenia](#)

[Information on legal professions from the website of the Judicial Council](#)

[Information on legal professions from the website of the Slovenian Judiciary](#)

[Information on legal professions from the website of the Bar Association of Slovenia](#)

[Information on legal professions from the website of the Slovenian Chamber of Notaries](#)

[Information on legal professions from the website of the State Attorney's Office](#)

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