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Types of legal professions

Slovakia

This page provides you with an overview of the legal professions in Slovakia. Prosecutors Judges Lawyers Solicitors / Legal Advisers Notaries

Legal professions - introduction

Prosecutors

Organisation

The **Public Prosecution Service** of the Slovak Republic is an independent State authority headed by the **Prosecutor-General**. Within its powers, the Public Prosecution Service protects the lawful rights and interests of individuals, legal entities and the State.

The Public Prosecution Service of the Slovak Republic has its own separate budget chapter in the State budget.

The status and role of the Public Prosecution Service and of the Prosecutor-General are governed by the **Constitution of the Slovak Republic** (Article 149) and by **Public Prosecution Service Act No 153/2001**, which also governs the powers of the Prosecutor-General and other prosecutors. The Act also governs the organisation and management of the Public Prosecution Service. The status, rights and responsibilities of prosecutors are set out in **Prosecutors and Trainee Prosecutors Act No 154/2001**.

Hierarchical structure

Given its role as an authority safeguarding the law, the **Public Prosecution Service** needs to be organised hierarchically. It ensures uniform application of laws and other legislation of general application, as well as uniform application of penal policy.

Within the Public Prosecution Service, there is a hierarchy of prosecutors, all of whom are subordinate to the Prosecutor-General.

Powers

The powers of the Public Prosecution Service include the following:

criminal prosecution of individuals suspected of having committed criminal offences, and overseeing compliance with the law both before the start of criminal prosecutions and during preliminary proceedings;

overseeing the compliance with the law of the places and conditions of detention of persons who have been deprived of their liberty or whose liberty has been restricted by decision of a court or any other authorised state body;

exercising its powers in court proceedings;

representing the State in court proceedings, where provided for by law;

overseeing, to the extent defined by law, compliance with the law by any public administrative authority;

participating in the preparation and implementation of measures to prevent breaches of the laws and other legislation of general application;

helping eliminate the causes of and conditions for criminal activities, as well as crime prevention and suppression;

helping prepare legislation (involvement in the legislative process);

carrying out any other duties provided for by a special law or act or legally promulgated international treaty.

Duties

The Prosecutor-General and the individual prosecutors carry out all duties that fall within the scope of the powers of the Public Prosecution Service, and use all statutory means available when discharging their duties and obligations. They are required to:

implement (to the best of their knowledge and belief) the Constitution of the Slovak Republic, constitutional laws, laws, legally promulgated international treaties and other legislation of general application;

respect and protect human dignity and fundamental human rights and freedoms, and avoid any form of discrimination;

protect the public interest;

act with initiative, fairness and impartiality and without undue delay.

Hierarchy

The **organisational system** of the Public Prosecution Service of the Slovak Republic is made up of the following **bodies**:

The **Prosecutor-General's Office** is the highest authority and heads the prosecution system. The Prosecutor-General's Office comprises:

the **Special Prosecutor's Office** established to detect and prosecute cases of corruption and organised crime;

the **Military Section** of the Prosecutor-General's office;

the **Regional Prosecutor's Offices** (8), which are superior to the District Prosecutor's Offices within their region, and the Central Military Prosecutor's Office (1), which is superior to the Circuit Military Prosecutor's Offices;

the **District Prosecutor's Offices** (55) and Circuit Military Prosecutor's Offices (3).

The **Ministry of Defence** is responsible for providing the necessary material and financial resources for the military section of the Prosecutor-General's Office and of all military prosecutor's offices.

The headquarters of the Prosecutor-General's Office is in Bratislava.

The headquarters and **territorial districts** of the subordinate prosecution offices correspond to the headquarters and districts of the respective courts.

However, the headquarters and territorial jurisdiction do not correspond to the administrative territorial division of the country.

Prosecutors perform their duties as part of a **service relationship**, which is established when they are appointed. Prosecutors are appointed by the Prosecutor-General to **prosecutorial positions without a time limit**. Prosecutors must swear an unconditional oath when taking up their positions.

Qualifications

Prosecutors must be **Slovak nationals** and meet the following **conditions**. They must:

be at least 25 years of age on the date of their appointment;

be a law graduate;

have full legal capacity;

have no criminal record, and be of sound character to carry out their functions properly;

have perfect command of Slovak;

have permanent residence in the Slovak Republic;
not be a member of any political party or political movement;
have passed the prosecutorial examination;
consent in writing to being appointed as a prosecutor in a particular prosecution office.

To become a prosecutor of a **military prosecutor's office**, the following conditions must be met. The prosecutor must have:

served in the military as a professional soldier;
been appointed or promoted to the rank of officer or of general;
been appointed to discharge duties in a military prosecutor's office under the relevant legislation.

Only a **trainee prosecutor** in the Public Prosecution Service may register for the **prosecutorial examination**. Vacancies for trainee prosecutors are filled by means of a selective examination.

Judicial expert examinations, bar examinations and notarial examinations also qualify as prosecutorial examinations under the Act.

Career promotion to the position of head prosecutor or to a higher position in a prosecutor's office is possible only by means of a **selection examination**.

The temporary secondment of a prosecutor to perform tasks in another prosecutor's office is subject to their consent. Prosecutors may be transferred to another prosecutor's office only if they consent to the transfer, apply to be transferred or are transferred under a disciplinary measure imposed on them.

The Prosecutor-General may **suspend** a prosecutor if he or she is prosecuted for an intentional criminal offence or subject to disciplinary proceeding for an act that could result in their removal from prosecutorial duties.

The service relationship of a prosecutor may be **terminated** only for reasons defined by law.

Roles and responsibilities

A prosecutor has the authority to supervise compliance with the law both before prosecution and during preliminary proceedings. In carrying out their supervisory duties, prosecutors have the power to:

issue binding instructions to members of the police, before criminal proceedings begin, during the investigation and summary investigation of criminal acts, and to impose time limits for handling a case; any instruction must be included in the relevant case file;

request files, documents, materials and reports on the status of a police investigation when a prosecution has already begun, in order to establish whether the police launched the prosecution promptly and are acting correctly;

participate in police actions, carry out individual investigative activities or conduct the entire investigation or summary investigation, issue a decision in any case; in doing so, the prosecutor must act in accordance with the Act; complaints against prosecutors' decisions may be lodged in the same way as against police decisions;

refer the matter back to the police with instructions to supplement the investigation or summary investigation and determine a time limit for this; the

prosecutor notifies both the accused and the injured person that a case has been referred back;

cancel unlawful or unjustified decisions by the police and replace these with his/her own decisions; a prosecutor may decide to discontinue a criminal prosecution or transfer a case elsewhere within 30 days, if the prosecutor replaces a police decision with his or her own decision other than on the basis of a complaint submitted by an entitled party; a complaint may be made against the prosecutor's decision and police resolution; a prosecutor may also issue binding instructions to launch an investigation and summary investigation.

Only a **prosecutor** has the power to:

bring charges;

conclude an agreement with the accused person on their guilt and punishment and submit a motion to the court for this to be approved;

suspend a criminal prosecution;

discontinue or provisionally discontinue a criminal prosecution;

approve conciliation or a pre-trial settlement and discontinue criminal prosecution;

issue an order to seize an accused person's property and determine which possessions should not be seized, or cancel such a seizure;

secure the claim of an injured person, cancel or partially cancel it or exclude an item from it;

issue an order to exhume a dead body;

request consent for the criminal prosecution or taking into custody of a person in a case requiring the consent of the National Council of the Slovak Republic, the Judicial Council of the Slovak Republic, the Constitutional Court or the European Parliament;

file a motion in the court for taking a defendant into custody or extending a period of custody;

file a motion to request that a defendant return from abroad;

carry out a preliminary investigation into extradition proceedings, unless provided otherwise by law;

on the basis of a request from a competent foreign authority, file a motion in the court with the aim of provisionally seizing the property of an individual against whom a criminal prosecution is being conducted abroad, where part of that property is located in the territory of the Slovak Republic.

In exercising their **supervisory power over compliance with the law at the places of detention of persons who have been deprived of their liberty or whose liberty has been restricted**, prosecutors must ensure that:

individuals are confined only on the basis of a court decision or a decision by another authorised state body in police cells, or in establishments designed for custody, deprivation of liberty, protective treatment, protective young offenders rehabilitation, in-patient treatment or institutional treatment;

laws and other legislation of general application are observed.

In **civil proceedings**, the prosecutor has the power to:

file a motion to start civil proceedings in order to:

impose protective young offender rehabilitation on a person who is above 12 years of age and younger than 14, if he or she has committed a criminal act that is punishable by a life sentence according to the Criminal Code;

determine the unlawfulness of a strike or redundancies;

determine the invalidity of the transfer of State property under the Act on proving the origin of funds in the event of privatisation, the Act laying down the conditions for the transfer of State property to other persons or the Act on the administration of State property;

review the lawfulness of any decision made by an administrative authority in cases where the protest lodged by a prosecutor has not been granted;

repeal an unlawful decision adopted by a municipality, if the municipality has failed to repeal its decision as requested by the prosecutor;

join pending civil proceedings concerning:

legal competence

declaration of death

raising of minors

guardianship

entries in the Commercial Register

bankruptcy and restructuring

When overseeing compliance by public administrative authorities with laws and other legislation of general application, the prosecutor has the right to **review the lawfulness** of:

legislation of general application issued by public administrative authorities;

internal administrative rules issued by public administrative authorities with the aim of ensuring the fulfilment of public administrative tasks;

decisions made on various matters in the area of public administration;

actions by public administrative authorities when issuing internal administrative rules and decisions in the field of public administration.

Judges

Organisation

Court staff

Principal administrator-assistant  (382 Kb) 

Court registrar  (295 Kb) 

Senior judicial officer  (460 Kb) 

Assistant to supreme court judge  (291 Kb) 

Lawyers

Legal databases

For further information, please refer to the [website](#) Slovak Bar Association.

Solicitors / Legal Advisers

Legal databases

For further information, please refer to the [website](#) of the Slovak Centre for Legal Aid.

Notaries

Notaries in the Slovak Republic must hold a **degree in law**.

The duty of a notary is to execute preventive justice and issue authenticated official acts.

Notaries are overseen by the Ministry of Justice.

Notaries must be members of the **Chamber of Notaries** of the Slovak Republic.

Legal databases

The [website of the Chamber of Notaries](#) only provides intranet support for notaries. Access is **free** but the information that can be searched is limited.

The database provides access to:

- public registers
- a list of notaries (contact data, language(s) known, opening hours)
- legislation

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