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National legislation

Slovakia

This page provides you with information about the legal system in Slovakia. Please see the page of Legal order – Slovakia on the European Judicial Network: civil justice legal order.

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Sources of law

Types of legal instruments – description

The term 'sources of law' is used in three senses:

sources of law in the material sense – material sources of law

sources of law in the epistemological sense – sources of knowledge of law

sources of law in the formal sense – formal sources of law

On the basis of how legal norms emerged and the binding form in which they are expressed, the following types of sources of law are traditionally distinguished:

legal custom,

precedent (judge-made law),

legislation,

normative contracts,

general legal principles,

common sense,

contemporary books, legal literature and expert opinions,

international treaties, where duly incorporated into the legal order of the Slovak Republic.

Hierarchy of legal norms

One of the basic principles of the Slovak legal order is the hierarchy of norms. Understanding the proper place of this principle in legislative practice and implementation is vital. The hierarchy of norms is not, however, simply a question of straightforward logical precedence or subordination. Hierarchy relates to the entire issue of **legitimate authority** and also includes the categorical imperative that a piece of legislation may only be made by a body authorised to do so by law – within the limits of law and its own legislative powers.

Legislation is categorised by what is known as 'legal force'. **Legal force** refers to the properties of legal norms, one piece of legislation being subordinate to another (i.e. one with greater legal force), or where a legal norm is derived from one having greater legal force. In a situation involving legal norms with different legal force, the weaker norm may not contradict the stronger one, and the stronger norm may override the weaker one.

In terms of the levels of legal force, legislation may be hierarchically arranged as follows:

Primary legislation (laws)

constitutional laws (always primary),

laws (primary or derived from constitutional laws).

Secondary legislation (also referred to as subordinate legislation)

government regulations – always secondary,

legal norms of central government bodies – always secondary,

legal norms of bodies of self-governing units (authorities) – primary or secondary,

legal norms issued in exceptional circumstances by authorities other than government bodies – always secondary.

In the system of legislation, a law having precedence means that all other legal norms must derive from the law, be compatible with it and not contradict it.

This means that, in practice, if a legal norm lower down the hierarchy contradicts a higher-ranking norm, it is the higher-ranking norm that must be followed.

Institutional framework

Institutions responsible for the adoption of legal norms

The bodies and authorities listed below have the power to adopt legislation (law-making bodies):

the National Council of the Slovak Republic – the Constitution, constitutional laws, laws, international treaties higher than laws, international treaties with the force of a law,

the Government of the Slovak Republic – government regulations,

ministries and other central government bodies – implementing decisions, implementing decrees and measures,

municipal and city assemblies – regulations of general application,

citizens (voters) of the Slovak Republic – results of a referendum with the force of a constitutional law; results of a referendum with the force of a law,

residents of a municipality or city – results of a local referendum with the force of a regulation of general application,

municipal and city authorities and local government bodies – regulations of general application.

The legislative process

Stages of the legislative process:

introducing a proposal for legislation – legislative initiative,
debate on the bill,
voting (decision on the bill),
signing of the adopted bill,
promulgation (publication) of the piece of legislation.

The decision-making process

The legislative process

Introducing a proposal for legislation – legislative initiative

Under Article 87(1) of Act No 460/1992 (the Constitution of the Slovak Republic), bills may be introduced by the following:
committees of the National Council of the Slovak Republic,
members of the National Council of the Slovak Republic (also referred to as Members of Parliament),
The Government of the Slovak Republic.

Bills are submitted arranged in sections, together with explanatory notes.

Discussion of the bill

In accordance with the rules of procedure of the National Council of the Slovak Republic (Act No 350/1996), bills go through three readings:

The first reading involves a general debate on the substance or what is known as **the 'philosophy' of the proposed law**. At this stage, no amendments or additions may be proposed.

On the second reading, the bill is discussed by the National Council committee(s) to which it has been assigned. Every bill must also pass through the Constitutional Committee, in particular to ensure its **compatibility with the Slovak Constitution**, constitutional laws, international treaties binding on the Slovak Republic, laws, and EU law. Following this, **amendments and additions may be proposed** and are voted on once the committee discussions are completed. This is why the various positions must be brought together before the bill is discussed in the National Council of the Slovak Republic. The bill is sent to the National Council of the Slovak Republic once **the Coordination Committee has approved the committees' joint report by a special resolution**. This report forms the basis for the Slovak National Council's debate and vote on the bill in the second reading.

The third reading is restricted to those provisions of the bill for which amendments or additions were approved on the second reading. On third reading, the only changes that Members of Parliament can put forward are corrections of errors in legislative drafting, and grammar and spelling mistakes. Amendments and additions intended to eliminate any other errors must be put forward by at least thirty members of the National Council of the Slovak Republic. Once these have been debated, the bill is voted on as a whole.

Voting (decision on the bill)

For a law to be passed, **at least half the members present must vote in favour of it**.

The Constitution may be amended and individual articles repealed only if passed by a qualified majority, which means three-fifths of all members of the National Council of the Slovak Republic (3/5 of 150).

The National Council of the Slovak Republic is a quorum if at least half its members are present.

Signing the adopted bill

The adopted bill is signed by:

the President of the Slovak Republic,
the Speaker of the National Council of the Slovak Republic,
the Prime Minister of the Slovak Republic.

This step in the procedure involves checking the content, procedural correctness and final form of the adopted bill. By signing, these highest-ranking constitutional officers endorse the wording of the law.

The President has the right to exercise a 'suspensive veto' and refuse to sign an adopted law on the grounds of faulty content. He or she must then send the adopted law, together with his or her comments, to the National Council of the Slovak Republic to be debated again.

The returned bill then goes through the second and third reading stages. At this point, the National Council of the Slovak Republic may – but does not have to – take the President's comments into account. The National Council of the Slovak Republic may overturn the 'suspensive veto' by voting again, in which case the law must be promulgated, even without the President's signature.

Promulgation (publication) of legislation

Promulgation is the final stage in the legislative process. Legislation applying to the country as a whole is formally published in the Collection of Legislative Acts (*Zbierka zákonov*) of the Slovak Republic; this publication falls within the remit of the Slovak Ministry of Justice.

Entry into force

Legislation takes effect **upon publication**.

Given their restricted territorial application, local legal norms are posted on an official notice board for a set period, generally 15 days.

Means of settling possible conflicts between the different sources of law

Legislation of lower legal force must not contradict legislation of greater legal force.

Legislation may only be amended or repealed by legislation of the same or greater legal force.

In practice, the rule in settling conflicts between legislation having the same legal force is that a more recent piece of legislation repeals or amends an older piece of legislation, or that a specific norm repeals or amends a general norm.

The Constitutional Court of the Slovak Republic reviews and rules on whether:

laws conform with the Constitution;

government regulations and legal norms of general application of ministries and other central government bodies conform to the Constitution, constitutional laws, and laws.

regulations of general application issued by bodies of self-governing units conform to the Constitution and laws;

legal norms of general application issued by local bodies of central administration conform to the Constitution and other legislation of general application;

legislation of general application conforms with international treaties promulgated in the manner laid down by legislative promulgation law.

Where the Constitutional Court holds that there is conflict between pieces of legislation, such acts - or parts or provisions thereof - cease to be in effect.

Where the bodies that made such an act fail to harmonise it with the applicable legislation having greater legal force within the statutory time limit following the issue of the ruling, the act - or parts or provisions thereof - is/are voided.

Legal databases

The JASPI database of the Ministry of Justice of the Slovak Republic

The [JASPI database](#) of the Slovak Ministry of Justice gives you access to:

laws and other legislation,

their consolidated versions following each amendment,

international treaties and other sources of law (published in the Collection of Legislative Acts of the Slovak Republic),

judicial decisions and opinions of the courts (published in Reports (*Zbierka súdnych rozhodnutí*) of the Supreme Court of the Slovak Republic),

decisions, opinions and findings of the Constitutional Court of the Slovak Republic,

selected decisions of regional and district courts,

information about experts, translators and interpreters.

Other content available on the JASPI database includes:

laws and other legislation published in the Collection of Legislative Acts of the Slovak Republic since 1945,

updated texts of adopted laws, public notices and other legislation,

texts of opinions and decisions of the Supreme Court of the Slovak Republic since 1961,

documents of the Constitutional Court of the Slovak Republic since the establishment of the independent Slovak Republic (1 January 1993),

selected decisions of regional and district courts,

information about experts, translators and interpreters.

The JASPI database is an open, non-commercial system designed to provide citizens with free access to comprehensive legal information on the country.

The purpose of the project is to provide fast and clear access to legal information.

The information system for 'legislative workflow' has two functional applications.

The first is the **Draft Bills Editor** application, the main function of which is to draft bills, amendments and combined amendments. The Editor automatically creates structured legal documents (XML structure) in line with the approved Legislative Rules of the Government of the Slovak Republic. In the case of amendments, the user can directly edit the consolidated version of a current legal document (acts, government regulations, etc.) and the application automatically creates an amended version. A user can view the consolidated version of a legal document with its highlighted amendments. The final output is a structured XML document. The bill is then published in the Portal for Legislative Workflow application in various formats.

The portal **follows the legislative processes** for all types of legal documents. Special attention is paid to interdepartmental consultation, which also involves public consultations (anybody may submit comments). Users of the portal can easily search for legal documents by several criteria, and can also be alerted by e-mail or RSS feed to changes in the legislative stages of the publication of new drafts in their chosen areas. The goal is to make the legislative process more transparent and accessible to everyone.

Related links

[Legislation portal of the Ministry of Justice of the Slovak Republic](#)

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