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# ***JPRS Report***

## ***Supplement***

# **East Europe**

## ***Recent Legislation*** ***Draft Constitution for the Republic of Slovenia***

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**East Europe**  
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**Draft Constitution of the Republic of Slovenia**

92BA0401A Ljubljana DELO in Slovene  
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[Draft Slovene constitution drafted by the Commission  
for Constitutional Issues of the Slovene Assembly]

[Text]

**Preamble**

Proceeding from the Fundamental Constitutional Document on the Autonomy and Independence of the Republic of Slovenia, and fundamental human rights and freedoms, the Slovene people's fundamental and lasting right to self-determination, and the historical fact that during the many centuries of the struggle for national liberation we Slovenes have formed our national identity and promoted our own statehood, the Assembly of the Republic of Slovenia is adopting the Constitution of the Republic of Slovenia.

**I. General Provisions**

**Article 1**

Slovenia is a democratic republic.

**Article 2**

Slovenia is a law-governed and social state.

**Article 3**

Slovenia is the state of all its citizens, male and female, based on the permanent and inalienable right of the Slovene people to self-determination.

In Slovenia, the people have authority. The citizens exercise it directly and through elections, according to the principle of the separation of powers into legislative, executive, and judicial.

**Article 4**

Slovenia is a territorially united and indivisible state.

**Article 5**

The state, on its own territory, protects human rights and fundamental freedoms. It protects and guarantees the rights of the indigenous Italian and Hungarian ethnic minorities. It is responsible for the Slovene ethnic minorities in neighboring states, Slovene emigrants, and migrant workers, and promotes their ties with their homeland. It is responsible for the preservation of natural resources and the cultural legacy, and creates possibilities for the harmonious civilized and cultural development of Slovenia.

**Article 6**

The seal of Slovenia has the form of a shield. In the center of the shield there is the image of Triglav in a white color against a blue background, and beneath it there are two wavy blue lines which depict seas and rivers; around it, there are three six-sided stars arranged in the shape of an inverted triangle. The shield is bordered in red along its sides. The seal is formed in accordance with specified geometrical and color rules.

The flag of Slovenia is the white-blue-red Slovene national flag, with the seal of Slovenia. The ratio between the width and length of the flag is 1:2. The colors of the flag, in sequence, are white, blue, and red. Each color, in width, occupies a third of the area of the flag. The seal is in the upper left part of the flag, in such a way that half of it is in the white area, and half of it is in the blue area. The Slovene anthem is the "Zdravljica."

The use of the seal, flag, and anthem is regulated by law.

**Article 7**

The state and religious communities are separate.

Religious communities have equal rights; they function freely.

**Article 8**

Laws and other regulations must be in accordance with the universally valid principles of international law and the international treaties binding upon Slovenia. Published international treaties are applied immediately.

**Article 9**

Local self-government is guaranteed in Slovenia.

**Article 10**

The capital of Slovenia is Ljubljana.

**Article 11**

The official language of Slovenia is Slovene. In the areas of opstinas in which the Italian or Hungarian national minority lives, Italian or Hungarian is also an official language.

**Article 12**

Slovene citizenship is regulated by law.

**Article 13**

In accordance with international treaties, foreigners in Slovenia have all the rights provided by the constitution or by law, except those only possessed by citizens of Slovenia according to the constitution or law.

**II. Human Rights and Fundamental Freedoms**

**Article 14**

Everyone in Slovenia is guaranteed equal human rights and fundamental freedoms, regardless of nationality, race, sex, language, religion, political or other belief, financial situation, birth, education, social position, or any other personal circumstance.

Everyone is equal under the law.

**Article 15 (exercise and limitation of rights)**

Human rights and fundamental freedoms are exercised directly on the basis of the constitution.

It is possible to prescribe the means of exercising human rights and fundamental freedoms by law, when the constitution so specifies, or if it is necessary because of the very nature of the individual right or freedom.

Human rights and fundamental freedoms are limited only by the rights of others and in the cases specified by this constitution.

Judicial protection of human rights and fundamental freedoms, and the right to eliminate the consequences of their violation, are guaranteed.

No human rights or fundamental freedoms regulated in legal documents that are in effect in Slovenia can be limited with the excuse that this constitution does not acknowledge them or acknowledges them to a lesser degree.

#### **Article 16 (temporary annulment and limitation of rights)**

The human rights and fundamental freedoms specified by this constitution, in exceptional cases, can be temporarily annulled or limited in wartime or a state of emergency. Human rights and fundamental freedoms may be annulled or limited only for the period of the duration of the state of war or the state of emergency, but only to the extent required by such a situation, and in such a way that the measures adopted do not cause inequality that would be based solely on race, national identity, sex, language, religion, political or other belief, financial situation, birth, education, social position, or any other personal circumstance.

The provision in the preceding paragraph does not permit any temporary annulment or limitation of the rights specified in articles 17, 18, 21, 27, 28, 29, and 41.

#### **Article 17 (inviolability of human life)**

Human life is inviolable. There is no death penalty in Slovenia.

#### **Article 18 (prohibition of torture)**

No one may be subjected to torture, or inhumane or degrading punishment or treatment. Performing medical or other scientific experiments upon a person without his free consent is prohibited.

#### **Article 19 (protection of personal freedom)**

Everyone has the right to personal freedom.

No one can be deprived of his freedom, except in the cases and according to the procedure specified by law.

Everyone who is deprived of his freedom must be informed immediately about the reasons for the deprivation of freedom, in his native language or in a language that he understands. He must also be given written notification within the shortest possible time about why he has been deprived of his freedom. He must be informed immediately that he is not obligated to state anything, that he has the right to immediate legal aid from an attorney of his own free choice, and that the competent body, at his request, is obligated to inform his relatives that he has been deprived of his freedom.

#### **Article 20 (determination and duration of detention)**

A person concerning whom there are grounds to suspect that he has committed a criminal act may be detained

only on the basis of a decision by a court, when it is indispensable for the course of criminal proceedings or for people's safety.

At the time of detention, or within 24 hours after it at the latest, the prisoner must be handed a written, justified decision. The prisoner has the right to appeal that decision, and the court must decide on the appeal within 48 hours. The detention can last only as long as legal reasons are given for it, but at most 3 months from the day of the deprivation of freedom. The Supreme Court may extend the detention for another 3 months.

If an indictment has not been submitted by the expiration of these periods, the accused is released.

#### **Article 21 (protection of the human individual and dignity)**

Respect for a person's individuality and his dignity is guaranteed in criminal and all other legal proceedings, and likewise during the deprivation of freedom and the serving of a sentence.

Any violence against persons whose freedom has been limited in any way, and any coercion of confessions and statements, are prohibited.

#### **Article 22 (equal protection of rights)**

Everyone is guaranteed equal protection of his rights in proceedings before a court and before other state bodies, the bodies of local communities, and those exercising public authority, who decide on his rights, obligations, or legal interests.

#### **Article 23 (right to judicial protection)**

Everyone has the right to have an independent, impartial, and lawfully established court decide on his rights and obligations and on accusations against him without unnecessary delay. He can only be judged by a judge who is elected according to the rules previously specified by law and by judicial procedure.

#### **Article 24 (public trial)**

Judicial proceedings are public. Verdicts are delivered publicly. Exceptions are specified by law.

#### **Article 25 (right to legal recourse)**

Everyone is guaranteed the right to an appeal or other legal recourse against the decisions of courts and other state bodies, the bodies of local communities and those exercising public authority, by which they decide on his rights, obligations, or legal interests.

#### **Article 26 (right to reimbursement for damage)**

Everyone has the right to reimbursement for damage done to him in connection with the performance of a service or some other activity of a state body, a body of a local community, or one exercising public authority, through its illegal conduct, by the person or body that performs that service or activity.

The injured party also has the right to demand compensation, in accordance with the law, directly from the one who caused him the damage.

**Article 27 (presumption of innocence)**

Whoever is accused of a criminal action is considered innocent until his guilt is established by a legally valid verdict.

**Article 28 (principle of legality in criminal law)**

No one may be sentenced for an action not specified by law as being criminal, and for which a sentence was not prescribed before the action was committed.

Actions that are criminal are determined and sentences are passed for them according to the law in effect at the time the action was committed, unless a new law is more lenient to the perpetrator.

**Article 29 (legal guarantees in criminal proceedings)**

Everyone who is accused of a criminal act must also be guaranteed the following rights, with full equality:

- To have suitable time and opportunity to prepare his own defense;
- To be tried in his presence and to defend himself on his own or with an attorney;
- To have the presentation of evidence in his behalf guaranteed;
- Not to be obliged to testify against himself or those close to him, or to confess guilt.

**Article 30 (right to rehabilitation and compensation)**

Anyone who has been falsely convicted of a criminal act or who has been deprived of his freedom without justification has a right to rehabilitation, to reimbursement for the damage, and other rights according to law.

**Article 31 (prohibition against repeated trial for the same case)**

No one may be tried or punished again for a criminal act for which legal proceedings against him have been lawfully ended, or the accusation against him has been lawfully rejected, or he has been acquitted or convicted by a trial.

**Article 32 (freedom of movement)**

Everyone has the right to move freely and to choose his own residence, and to leave the state and return to it at any time.

This right may be restricted by law, but only if it is necessary in order to ensure the course of criminal proceedings, to prevent the spread of contagious diseases, to protect public order, or if it is required by the interests of state defense.

On the basis of law, foreigners' entry into the state and the period of their residence in it can be limited by law.

**Article 33 (right to private property and inheritance)**

The right to private property and inheritance is guaranteed.

**Article 34 (right to personal dignity and security)**

Everyone has the right to personal dignity and security.

**Article 35 (protection of privacy rights and individual rights)**

The inviolability of a person's physical and mental integrity, his privacy, and his individual rights is guaranteed.

**Article 36 (inviolability of a residence)**

A residence is inviolable.

No one may enter another's residence or other premises belonging to another person against the resident's will, or search them, without a decision by a court.

The one whose residence or premises are being searched, or his representative, has the right to be present during a search.

A search can only be conducted in the presence of two witnesses.

Under conditions specified by law, an official may enter another person's residence or another person's premises without a court decision, and in exceptional cases conduct a search without the presence of witnesses, if this is unavoidably necessary in order to capture directly the perpetrator of a criminal act, or to protect people and property.

**Article 37 (protection of the secrecy of letters and other means of communication)**

The secrecy of letters and other means of communication is guaranteed.

Only the law can prescribe that on the basis of a court decision, the protection of the secrecy of letters and other means of communication and the inviolability of a person's privacy will not be observed for a specific period, if this is necessary for the initiation or course of criminal proceedings, or for the security of the state.

**Article 38 (protection of personal data)**

The protection of personal data is guaranteed. The use of personal data contrary to the purpose for which they were collected is prohibited.

The collection, processing, purpose of use, control, and protection of the secrecy of personal data are specified by law.

Everyone has the right to become acquainted with collected personal data that apply to him, and the right to judicial protection in the event of their abuse.

**Article 39 (freedom of expression)**

The freedom of the expression of thoughts, speech and public appearances, the press, and other forms of public information and expression is guaranteed. Everyone can freely gather, receive, and disseminate news and opinions.

Everyone has the right to obtain information of public significance, in which he has a legal interest justified by law, except in the cases specified by law.

**Article 40 (right to correction and response)**

The right to correct published information affecting the rights or interests of an individual, organization, or body is guaranteed, and the right to respond to published information is also guaranteed.

**Article 41 (freedom of conscience)**

The profession of a religion and other beliefs in private and public life is unrestricted.

No one is obligated to commit himself with respect to religious or other belief.

Parents have a right to ensure religious and moral upbringing for their children in accordance with their beliefs. The guidance of children with respect to religious and moral upbringing must be in accordance with the child's age and maturity and with his freedom of conscience, and religious and other orientation or belief.

**Article 42 (right to gather and associate)**

The right to peaceful gathering and public assembly is guaranteed.

Everyone has the right to associate freely with others.

Legal restrictions of these rights are permissible if this is required by the security of the state or public security, and security against the spread of contagious diseases.

Professional members of defense units and the police cannot be members of political parties.

**Article 43 (right to vote)**

The right to vote is universal and equal.

Every citizen who has reached the age of 18 has the right to vote and to be elected.

The law can specify in which cases and under which conditions foreigners have the right to vote.

**Article 44 (participation in the administration of public affairs)**

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

**Article 45 (right to petition)**

Every citizen has a right to the submission of petitions and to other initiatives of general significance.

**Article 46 (right to conscientious objection)**

Conscientious objection is permissible in the cases specified by the law, if this does not restrict the rights and freedoms of other individuals.

**Article 47 (extradition)**

Extradition of a citizen of Slovenia to another state is not permitted. Extradition of a foreigner is permitted only in the cases stipulated by international treaties binding upon Slovenia.

**Article 48 (asylum)**

Within the limits of the law, the right of asylum is recognized for foreign citizens and stateless persons who have been persecuted because of their advocacy of human rights and fundamental freedoms.

**Article 49 (freedom of labor)**

The freedom of labor is guaranteed.

Everyone freely chooses employment.

Every job is accessible to everyone under equal conditions.

Forced labor is prohibited.

**Article 50 (right to social security)**

Citizens have the right to social security, under the conditions specified by law.

The state regulates mandatory health, retirement, disability, and other social insurance, and oversees their functioning.

**Article 51 (right to health care)**

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

The law specifies the rights to health care from public funds.

No one can be forced to undergo treatment except in the cases specified by law.

**Article 52 (rights of the handicapped)**

The handicapped are guaranteed security and training for work, in accordance with the law.

Children with impairments in their physical or mental development, and other seriously affected individuals, have the right to education and training for an active life in society.

The education and training in the previous paragraph are financed from public funds.

**Article 53 (legal union and the family)**

A legal union is based on the equality of the spouses. It is concluded before a competent state body.

A legal union and legal relations within it, in the family and in the community outside the marriage, are regulated by law.

The state protects the family, maternity, paternity, children, and young people, and creates the necessary conditions for this protection.

**Article 54 (rights and obligations of parents)**

Parents have the right and obligation to support, educate, and bring up their children. This right and obligation can be taken away from parents or restricted only for the reasons specified by the law in order to protect children's interests.

Children born outside a legal union have the same rights as children born in one.

**Article 55 (free decision on the birth of children)**

A person has the right to decide freely on the birth of his own children.

This right can be restricted only for health reasons.

The state creates conditions for the exercise of this right, and conditions which make it possible for parents to decide on the birth of their children.

(Footnote) (Note on Article 55: The Constitutional Commission formulated the draft of the new constitution by joint agreement, proceeding from the principle that the constitution should include what is generally acceptable for Slovenia and its citizens. The Constitutional Commission has not yet been able to reach substantive agreement on Article 55. It is therefore proposing it with the wording that was formulated, as a possible solution, by the Constitutional Commission's coordinating [inter-party] group in the search for a generally acceptable solution.)

**Article 56 (rights of children)**

Children enjoy special protection and care. Children enjoy human rights and fundamental freedoms in accordance with their age and maturity.

Children are guaranteed special protection against economic, social, physical, mental, or other exploitation and abuse. Such protection is regulated by law.

Children and minors who are not cared for by their parents, who do not have parents, or lack suitable family care, enjoy special protection by the state. Their position is regulated by law.

**Article 57 (education and schooling)**

Education is free.

Elementary-school education is mandatory, and is financed from public funds.

The state creates opportunities for citizens to be able to receive suitable education.

**Article 58 (autonomy of universities and other higher schools)**

State universities and state higher schools are autonomous.

The means of financing them is regulated by law.

**Article 59 (freedom of science and art)**

The freedom of scientific and artistic creativity is guaranteed.

**Article 60 (authors' rights)**

The protection of rights originating from artistic, scientific, research, and invention activity is guaranteed.

**Article 61 (expression of ethnic identity)**

Everyone has the right to express freely his membership in his own people or ethnic community, to cultivate and express his culture, and to use his language and script.

**Article 62 (right to use one's own language and script)**

Everyone has the right, in fulfilling his rights and obligations and in proceedings before state and other bodies which perform public services, to use his own language and script in the manner specified by law.

**Article 63 (prohibition against the instigation of inequality and intolerance, and prohibition against the instigation of violence and war)**

Any sort of instigation of ethnic, racial, religious, or other inequality, and the arousal of ethnic, racial, religious, or other hatred and intolerance are unconstitutional.

Any sort of instigation of violence and war is unconstitutional.

**Article 64 (special rights of the indigenous Italian and Hungarian ethnic minorities in Slovenia)**

The indigenous Italian and Hungarian ethnic minorities and their members are guaranteed the right to use freely their national symbols and to establish organizations, and develop economic, cultural, and scientific-research activities and activities in the area of public information and publishing, in order to preserve their ethnic identity. In accordance with the law, these ethnic minorities and their members have the right to upbringing and education in their own language, or to bilingual upbringing and education, and to the formation and development of their own or bilingual upbringing and education. The law specifies the areas where bilingual education is mandatory. The ethnic minorities and their members are guaranteed the right to cultivate relations with their parent peoples and their states. The state provides financial and moral support for the exercise of these rights.

In the areas where these minorities live, their members establish their own self-governing communities for the fulfillment of their rights. At their proposal, the state can authorize the self-governing minority communities to perform certain tasks within the state's jurisdiction, and provides funds for their fulfillment.

The ethnic minorities are directly represented in the representative bodies of local self-government and in the State Assembly.

The law regulates the position and the means of fulfilling the rights of the Italian and Hungarian ethnic minorities in areas where they live, the obligations of self-governing local communities for the fulfillment of these rights, and the rights which the members of these ethnic minorities also exercise outside of these areas. The rights of both ethnic minorities and of their members are guaranteed regardless of the number of members of these minorities.

Laws, other regulations, and general acts which affect the fulfillment of the rights specified in the constitution and the position solely of the ethnic minorities cannot be adopted without the consent of representatives of the ethnic minorities.

**Article 65 (position and special rights of the Gypsy community in Slovenia)**

The position and special rights of the Gypsy community living in Slovenia are regulated by law.

**III. Economic and Social Relations****Article 66 (protection of labor)**

The state creates opportunities for employment and for work, and ensures their legal protection.

**Article 67 (property)**

The law specifies the means of acquiring and enjoying property in such a way that its economic, social, and ecological function is guaranteed.

The law specifies the means and conditions for inheritance.

**Article 68 (property rights of foreigners)**

Foreigners can acquire property rights in real estate under the conditions specified by law.

Foreigners cannot acquire property rights in land, except by inheritance, under the condition of reciprocity.

**Article 69 (expropriation)**

Property rights in real estate can be taken away or restricted in the public interest in exchange for replacement in kind or in exchange for compensation under the conditions specified by law.

**Article 70 (public good and natural resources)**

A special right to use a public good can be acquired under the conditions specified by law.

The law specifies the conditions under which natural resources may be exploited.

The law can specify that foreign persons may also exploit natural resources, and specifies the conditions for exploitation.

**Article 71 (protection of land)**

The law specifies conditions for the use of land, for the sake of proper exploitation.

The law specifies special protection for agricultural land.

The state is responsible for the economic, cultural, and social progress of the population in hilly and mountainous regions.

**Article 72 (healthy environment)**

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

The state is responsible for a healthy environment. For this purpose, the law specifies the conditions and means for conducting economic and other activities.

The law specifies under what conditions and to what extent someone who has caused damage to the environment is obligated to compensate for the damage.

**Article 73 (protection of the natural and cultural heritage)**

Everyone is obligated, in accordance with the law, to protect natural sights and rarities and cultural monuments.

The state and local communities are responsible for the preservation of the natural and cultural heritage.

**Article 74 (entrepreneurship)**

Economic initiative is unrestricted.

The law specifies conditions for establishing economic organizations. Economic interest may not be conducted contrary to the public interest.

Acts of unfair competition and acts which illegally restrict competition are prohibited.

**Article 75 (joint decisionmaking)**

Workers participate in management in economic organizations in the manner and under the conditions specified by law.

**Article 76 (trade union freedom)**

The establishment and activity of trade unions, and the enlistment of members in them, are unrestricted.

**Article 77 (right to strike)**

Workers have a right to strike.

If the public interest so requires, the right to strike can be restricted by law, taking into account the type and nature of the activity.

**Article 78 (suitable housing)**

The state creates opportunities for citizens to be able to acquire suitable housing.

**Article 79 (foreigners employed in Slovenia)**

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

**IV. State System****State Assembly****Article 80 (composition and elections)**

The State Assembly is composed of the deputies of the citizens of Slovenia, and consists of 90 deputies.

The deputies are elected by general, equal, direct, and secret vote.

One deputy each from the Italian and Hungarian minorities is always elected to the State Assembly.

The electoral system is regulated by a law passed by the State Assembly by a two-thirds' majority of the votes of all the deputies.

**Article 81 (term of office of the State Assembly)**

The State Assembly is elected for four years.

If the term of office of the State Assembly expires in wartime or during a state of emergency, its mandate



ceases six months after the end of the war or the state of emergency, and can also expire earlier if it itself so decides.

Elections to the State Assembly are scheduled by the president of the Republic. The new State Assembly is elected two months at the earliest and 15 days at the latest before the expiration of four years since the first session of the previous State Assembly. If the State Assembly is disbanded, a new one is elected two months, at the latest, after the disbandment of the previous one. The term of office of the previous State Assembly ends with the first session of the new State Assembly, which is convened by the president of the Republic 20 days, at the latest, after its election.

#### **Article 82 (deputies)**

The deputies are representatives of the entire population, and are not bound by any sort of instructions.

The law specifies who cannot be elected a deputy, and the incompatibility of the office of deputy with other offices.

The State Assembly confirms deputies' terms. An appeal to the Constitutional Court against a decision by the State Assembly is possible, in accordance with the law.

#### **Article 83 (deputies' immunity)**

A deputy in the State Assembly is not criminally liable for an opinion or vote that he has uttered at sessions of the State Assembly or its working bodies.

A deputy cannot be detained, nor can criminal proceedings be initiated against him if he claims immunity, without permission from the State Assembly, unless he has been caught in a criminal act for which imprisonment of more than five years is prescribed.

The State Assembly can also grant immunity to a deputy who has not claimed it, or who has been caught in a criminal act as cited in the previous paragraph.

#### **Article 84 (president of the State Assembly)**

The State Assembly has a president, who is elected by a majority of the votes of all the deputies.

#### **Article 85 (sessions of the State Assembly)**

The State Assembly works in regular and special sessions.

Regular and special sessions are convened by the president of the State Assembly; he must convene a special session if this is requested by at least one fourth of the deputies in the State Assembly, or by the president of the Republic.

#### **Article 86 (decisionmaking)**

The State Assembly makes decisions if a majority of the deputies are present at a session.

The State Assembly passes laws and other decisions, and ratifies international treaties, by a majority of the definite votes [meaning yes or no votes with abstentions not

counted] of the deputies present, whenever a different majority is not specified by the constitution or the law.

#### **Article 87 (legal jurisdiction of the State Assembly)**

The State Assembly can only specify the rights and obligations of citizens and other persons by means of a law.

#### **Article 88 (legal initiative)**

Laws can be proposed by the government or by any deputy. A law can also be proposed by at least 5,000 voters.

#### **Article 89 (legislative procedure)**

The State Assembly passes laws in a multistage procedure, unless otherwise specified by the rules of procedure.

#### **Article 90 (legislative referendum)**

The State Assembly can schedule a preliminary referendum on issues that are regulated by law. The State Assembly is bound by the outcome of the referendum.

The State Assembly can schedule a preliminary referendum at its own initiative, and must schedule one if it is requested by a least a third of the deputies, the State Council, or 40,000 voters.

All citizens who have a right to vote have the right to vote in the referendum.

The proposal is adopted in the referendum if a majority of the voters who have voted vote for it.

The referendum is regulated by a law passed by the State Assembly by a two-thirds' majority of the votes of the deputies present.

#### **Article 91 (proclamation of laws)**

Laws are proclaimed by the president of the Republic within eight days, at the latest, after they are passed.

Within seven days after the passage of the law, and still before its proclamation, the State Assembly can request that the State Assembly decide on it once more. In making a decision again, a majority of all the deputies have to vote to pass the law, unless the constitution specifies a higher number of votes for passing the law in question. The repeated decision by the State Assembly is final.

#### **Article 92 (state of war and state of emergency)**

A state of emergency is declared whenever a great and general danger threatens the existence of the state. The State Assembly decides on the declaration of a state of war or a state of emergency, the necessary measures, and their cancellation, at the proposal of the government.

The State Assembly decides on the use of the armed forces.

Whenever the State Assembly cannot meet, the president of the Republic decides on the matters in the first and second paragraphs. He must submit these decisions for confirmation to the State Assembly as soon as it meets.

**Article 93 (parliamentary investigation)**

The State Assembly can order an investigation of matters of public significance, and must do so at the request of one-third of the deputies in the State Assembly or at the request of the State Council. For this purpose it appoints a commission, which has in principle the same powers as a judicial body in matters of inquiry and examination.

**Article 94 (rules of procedure of the State Assembly)**

The State Assembly has rules of procedure which are adopted by a two-thirds' majority of the votes of the deputies present.

**Article 95 (compensation of deputies)**

The deputies in the State Assembly receive a salary or compensation specified by law.

**State Council****Article 96 (composition)**

The State Council is a representative body for representatives of social, economic, professional, and local interests.

The State Council has 40 members.

It is composed of:

- Four representatives of employers;
- Four representatives of employees;
- Four representatives of farmers, tradesmen, and independent professions;
- Six representatives of noneconomic activities;
- 22 representatives of local interests.

The organization of the State Council is regulated by law.

**Article 97 (jurisdiction of the State Council)**

The State Council can:

- Propose that the State Assembly pass laws;
- Give the State Assembly an opinion on all matters within its jurisdiction;
- Request that the State Assembly, prior to the proclamation of any law, decide on it once again;
- Request the scheduling of a referendum, in accordance with the second paragraph of Article 90;
- Request an investigation of matters of public significance, in accordance with Article 93.

At the request of the State Assembly, the State Council must express an opinion on an individual matter.

**Article 98 (elections)**

Elections to the State Council are regulated by a law passed by the State Assembly by a two-thirds' majority of the votes of all the deputies.

The members of the State Council are elected for a period of five years.

**Article 99 (decisionmaking)**

The State Council makes decisions if a majority of members are present at a session.

The State Council decides by a majority of the definite votes of the members present. A request for scheduling a referendum is adopted by the State Council by a majority of the votes of all the members.

**Article 100 (incompatibility of offices and immunity)**

A member of the State Council cannot be a deputy in the State Assembly at the same time.

Members of the State Council enjoy the same immunity as deputies. The State Council decides on immunity.

**Article 101 (rules of procedure of the State Council)**

The State Council has rules of procedure, which are adopted by a majority of the votes of all the members.

**President of the Republic****Article 102 (office of president of the Republic)**

The president of the Republic represents the Republic of Slovenia, and is the commander in chief of its armed forces.

**Article 103 (elections of the president of the Republic)**

The president of the Republic is elected in direct, general, and secret elections.

A candidate is elected president of the Republic by a majority of valid votes.

The president of the Republic is elected for a period of five years, but at most twice in succession. If the term of office of the president of the Republic expires in wartime or during a state of emergency, his mandate ends six months after the end of the state of war or the state of emergency.

Only a citizen of Slovenia can be elected president of the Republic.

The elections for president of the Republic are scheduled by the president of the State Assembly. The president of the Republic must be elected within 15 days at the latest before the expiration of the term of office of the previous president.

**Article 104 (oath of the president of the Republic)**

Before entering upon his duties, the president of the Republic swears the following oath before the State Assembly:

"I swear that I will respect the constitutional order, that I will act according to my conscience, and will work with all my might for the welfare of Slovenia."

**Article 105 (incompatibility of the office of president of the Republic)**

The office of president of the Republic is incompatible with engaging in any other public office or profession.

**Article 106 (replacement of the president of the Republic)**

In the event of a permanent impairment, death, resignation, or other cessation of the president's office, the president of the State Assembly temporarily performs the duties of the president of the Republic until the election of a new president. In this case, it is necessary to schedule elections for a new president of the Republic within 15 days at the latest after the end of the previous president's office.

The president of the State Assembly also temporarily performs the duties of the president of the Republic while the latter is unable to perform his duties.

**Article 107 (powers of the president of the Republic)**

The president of the Republic:

- Schedules elections to the State Assembly;
- Proclaims laws;
- Appoints state officials, whenever this is specified by law;
- Appoints and recalls the republic's ambassadors and emissaries, and receives the credentials of foreign diplomatic representatives;
- Issues documents on ratification;
- Decides on amnesties;
- Awards decorations and honorary titles;
- Handles other matters specified by law.

At the request of the State Assembly, the president of the Republic must express an opinion on an individual matter.

**Article 108 (decrees with the force of law)**

Whenever the State Assembly cannot meet because of a state of emergency or a war, the president of the Republic, at the government's proposal, issues decrees with the force of law.

In exceptional cases, a decree with the force of law can restrict individual rights and fundamental freedoms, as specified in Article 13 of this constitution.

The president of the Republic must submit decrees with the force of law to the State Assembly for confirmation as soon as it meets.

**Article 109 (responsibility of the president of the Republic)**

If the president of the Republic, in performing his duties, violates the constitution or seriously violates the law, the State Assembly can accuse him before the Constitutional Court. The latter determines the justification of the accusation, or acquits the defendant; and it can decide on taking away his office by a two-thirds' majority of the votes of all the judges. After the Constitutional Court

receives the State Assembly's resolution on the accusation, it can decide that the president of the Republic temporarily cannot perform his duties until there is a decision on the accusation.

**The Government**

**Article 110 (composition of the government)**

The government is composed of a prime minister and ministers. The government and the individual ministers are autonomous within the framework of their jurisdiction, and are responsible to the State Assembly.

**Article 111 (elections of the prime minister)**

After consultations with the leaders of the parliamentary groups, the president of the Republic proposes to the State Assembly a candidate for prime minister.

The prime minister is elected by the State Assembly by a majority of the votes of all the deputies, unless otherwise specified by this constitution. Voting is secret.

If the candidate does not receive the necessary majority of votes, the president of the Republic, after repeated consultations, can propose the same or a different candidate within 14 days, and the deputies' groups or at least 10 deputies can also propose candidates. If several proposals have been submitted within this period, each one is voted on separately—first of all the candidate of the president of the Republic, and if he is not elected, then the other candidates as well, in the order in which the proposals were submitted.

If no candidate is elected, the president of the Republic disbands the State Assembly and schedules new elections, unless the State Assembly, within 48 hours, by a majority of the definite votes of the deputies present, decides to hold repeated elections for prime minister, in which case a majority of the definite votes of the deputies present will be sufficient for the election. In the repeated elections, the individual candidates are voted on in the order of the number of votes received in the previous votes, and then new candidacies submitted before the elections are voted on, with precedence given to a possible candidate from the president of the Republic.

If no candidate receives the necessary majority of votes in these elections either, the president of the Republic disbands the State Assembly and schedules new elections.

**Article 112 (appointment of ministers)**

Ministers are appointed and dismissed by the State Assembly at the proposal of the prime minister.

The proposed minister, before his appointment, must appear before the competent commission of the State Assembly, and answer its questions.

**Article 113 (government's oath)**

The prime minister and the ministers, after their election or appointment, swear before the State Assembly the oath specified in Article 104.

**Article 114 (organization of the government)**

The prime minister is responsible for the uniformity of the political and administrative guidance of the government, and coordinates the work of the ministers. The ministers are jointly responsible for the work of the government, and each minister is responsible for the work of his own ministry.

The composition and operation of the government, and the number, jurisdiction, and organization of the ministries are regulated by law.

**Article 115 (end of the term of office of the prime minister and the government ministers)**

The term of office of the prime minister and the ministers ends when a new State Assembly meets after elections, and the term of office of the ministers also ends with any other end of the term of office of the prime minister or with the dismissal or resignation of the minister, but they must handle current matters until the election of a new prime minister or the appointment of new ministers.

**Article 116 (vote of no confidence in the government)**

The State Assembly can pass a vote of no confidence in the government only by electing a new prime minister, at the proposal of at least 10 deputies, by a majority of the votes of all the deputies. The former prime minister is thereby dismissed, but he must handle current matters, along with his ministers, until a new government is sworn in.

At least 48 hours must pass between the submission of a proposal for electing a new prime minister and the elections, unless the State Assembly decides otherwise by a two-thirds' majority of the votes of all the deputies, or unless the state is at war or in a state of emergency.

If the prime minister was elected on the basis of the fourth paragraph of Article 111, a vote of no confidence in him is expressed if the State Assembly, at the proposal of at least 10 deputies, elects a new prime minister by a majority of definite votes.

**Article 117 (vote of confidence in the government)**

The prime minister can demand a vote of confidence in the government. If the government does not receive the support of a majority of the votes of all the deputies, the State Assembly must elect a new prime minister within 30 days, or pass a vote of confidence in the former prime minister in a repeated vote; otherwise the president of the Republic disbands the State Assembly and schedules new elections. The prime minister can also link the issue of a vote of confidence to the passage of a law or other decision in the State Assembly. If the decision is not adopted, it is considered that there has been a vote of no confidence in the government.

At least 48 hours must pass between the demand for a vote of confidence and the voting.

**Article 118 (interpellation)**

At least 10 deputies can initiate an interpellation in the State Assembly on the work of the government or of an individual minister.

If, after the discussion of the interpellation, a majority of all the deputies expresses no confidence in the government or an individual minister, the State Assembly dismisses the government or the ministers [sic].

**Article 119 (accusation against the prime minister and the ministers)**

The State Assembly can accuse the prime minister or ministers before the Constitutional Court of violations of the constitution and the laws, committed during the performance of their duties. The Constitutional Court handles the accusation in the manner specified in Article 109.

**Article 120 (organization and work of the administration)**

The organization of the administration, its jurisdiction, and the means of appointing its officials are regulated by law.

Administrative bodies perform their work autonomously within the framework of and on the basis of the constitution and the laws.

Judicial protection of the rights and legal interests of citizens and organizations against the decisions and actions of administrative bodies and those exercising public authority.

**Article 121 (tasks of administrative bodies)**

The tasks of administration are performed directly by ministries.

By law, local and other self-governing communities, enterprises, and other organizations and individuals can receive public authority to perform certain functions of the state administration.

**Article 122 (employment in administrative services)**

Employment in administrative services is possible only on the basis of public competition, except in cases specified by law.

**Defense of the State****Article 123 (obligation to participate in the defense of the state)**

Defense of the state is obligatory for citizens, within the limits and in the manner specified by the law.

Citizens who, because of their religious, philosophical, or humanitarian views, are not prepared to participate in fulfilling defense obligations must be allowed to participate in the defense of the state in another manner.

**Article 124 (defense of the state)**

The type, scope, and organization of the defense of the inviolability and integrity of the state territory are regulated by a law passed by the State Assembly, by a two-thirds' majority of the votes of the deputies present.

The conduct of defense is overseen by the State Assembly.

In ensuring security, the state proceeds primarily on the basis of a peaceful policy and a culture of peace and nonviolence.

**The Judicial System**

**Article 125 (independence of judges)**

Judges are independent in performing their judicial function. They are bound by the constitution and the law.

**Article 126 (organization and powers of the courts)**

The organization and powers of the courts are specified by law.

The establishment of special courts is not permitted, nor is the establishment of military courts in peacetime.

**Article 127 (Supreme Court)**

The Supreme Court is the highest court in the state.

It decides on regular and special legal cases, and handles other matters specified by law.

**Article 128 (participation of citizens in the exercise of judicial authority)**

The law regulates the cases and forms of citizens' direct participation in the exercise of judicial authority.

**Article 129 (duration of judicial office)**

The office of judge is permanent. The law specifies an age limit and other conditions for election.

The law specifies an age limit at which a judge retires.

**Article 130 (election of judges)**

Judges are elected by the State Assembly at the proposal of the Judicial Council.

**Article 131 (Judicial Council)**

The Judicial Council is composed of 11 members. Five members are elected at the proposal of the president of the Republic by the State Assembly from among university professors of law, attorneys, and other lawyers, and six members are elected from among themselves by judges who hold judicial office on a permanent basis. The president is elected by the members of the Council from among themselves.

**Article 132 (cessation and revocation of judicial office)**

A judge's judicial office ends if the reasons specified by law occur.

If a judge violates the constitution or seriously violates the law in performing his judicial function, the State

Assembly can order the dismissal of the judge, at the proposal of the Judicial Council.

In the event of an intentionally committed criminal act through the abuse of judicial office, determined by means of a lawful court decision, the State Assembly dismisses the judge.

**Article 133 (incompatibility of judicial office)**

The office of judge is not compatible with offices in other state bodies, in local self-government bodies, and in bodies of political parties, or with other offices and activities specified by the law.

**Article 134 (immunity of judges)**

No one who participates in judging can be called to account for an opinion that he has given in making a decision in court.

A judge cannot be detained, nor can criminal proceedings be initiated against him, without the permission of the State Assembly if he is suspected of a criminal act during the performance of his judicial function.

**State Prosecutor**

**Article 135 (state prosecutor)**

The state prosecutor submits and defends criminal indictments, and has other powers specified by law.

The organization and jurisdiction of state prosecutors' offices are determined by law.

**Article 136 (incompatibility of the office of state prosecutor)**

The office of state prosecutor is not compatible with offices in other state bodies, in local self-government bodies, and in the bodies of political parties, or with other offices and activities specified by law.

**Bar and Notary Service**

**Article 137 (bar and notary service)**

The bar, as part of the judicial system, is an autonomous and independent service, which is regulated by law.

The notary service is a public service, which is regulated by law.

**V. Self-Government**

**Local Self-Government**

**Article 138 (implementation of local self-government)**

The residents of Slovenia implement local self-government in opstinas and other local communities.

**Article 139 (opstina)**

An opstina is a self-governing local community.

The area of an opstina encompasses a settlement or several settlements which are linked by the common needs and interests of the residents.

An opstina is established by law after a previously conducted referendum to determine the will of the

residents of the area in question. The law also determines the area of the opstina.

**Article 140 (area of jurisdiction of self-governing local communities)**

The opstina's jurisdiction includes matters of general significance that the opstina can regulate autonomously, and which affect only the residents of the opstina.

After prior agreement from the opstina or a broader self-governing local community, the state, by means of a law, can transfer to the opstina or broader self-governing local community the performance of individual tasks within the state's jurisdiction, if it also provides the funds for this.

In matters that the state has transferred to the bodies of a local community, state bodies also engage in oversight of the appropriateness and professionalism of their work.

**Article 141 (city opstina)**

According to the procedure and under the conditions specified by law, a city can gain the status of a city opstina.

City opstinas also perform, as their own, legally specified tasks within the state's jurisdiction that pertain to the development of cities.

The city of Ljubljana has a special status that is defined by law.

**Article 142 (opstina's revenues)**

An opstina is financed from its own sources. In accordance with legally defined principles and standards, the state provides additional funds for opstinas which cannot fully ensure the performance of their tasks because of poorer economic development.

**Article 143 (broader self-governing local communities)**

Opstinas decide independently on combining into broader self-governing local communities, and also into provinces, for the regulation and conduct of local affairs of broader significance. In agreement with them, the state transfers specified tasks from the state's jurisdiction to their original jurisdiction, and defines the participation of these communities in proposing and implementing certain matters within the state's jurisdiction.

The principles and standards for the transfer of jurisdiction in the previous paragraph are regulated by law.

**Article 144 (oversight by state bodies)**

State bodies oversee the legality of the work of the bodies of local communities.

**Other Self-Government**

**Article 145 (self-government in the area of social activities)**

Citizens can unite on a self-governing basis in order to promote their interests.

The self-governing regulation of individual affairs within the state's jurisdiction can be ceded to citizens by law.

**VI. Public Finance**

**Article 146 (financing the state and local communities)**

The state and local communities obtain funds for the performance of their tasks through taxes and other mandatory duties, and through revenues from their own property.

The state and local communities state the value of their property in property balance-sheets.

**Article 147 (taxes)**

The state prescribes taxes, tariffs, and other duties by law.

Local communities prescribe taxes and other duties under the conditions specified by the constitution and the law.

**Article 148 (budget)**

All revenues and expenditures of the state and local communities for financing public spending must be included in their budgets.

If a budget is not adopted by the first day that it is necessary to begin implementing it, the beneficiaries financed from the budget are temporarily financed according to the previous budget.

**Article 149 (loans for which the state is liable)**

Loans for which the state is liable, and the state's liability for loans, are only permitted on the basis of a law. Loans may only be incurred for special budgetary expenditures.

**Article 150 (Account Court)**

The Account Court is the highest body for the supervision of state accounts, the state budget, and all public spending financed by the state, and public spending in the local communities.

The organization and jurisdiction of the Account Court is specified by law.

The Account Court is independent in its work, and bound by the constitution and the law.

**Article 151 (appointment of members of the Account Court)**

Members of the Account Court are appointed by the State Assembly.

**Article 152 (central bank)**

Slovenia has a central bank. This bank is autonomous in its activity, and is responsible directly to the State Assembly. The central bank is established by law.

The governor of the central bank is appointed by the State Assembly.

## VII. Constitutionality and Legality

### Article 153 (coordination of legal acts)

Laws, regulations derived from laws, and other general acts must be in accordance with the constitution.

Laws must be in accordance with the universally valid principles of international law and with valid international treaties ratified by the State Assembly, regulations derived from laws and other general acts, and also other with other ratified international treaties.

Regulations derived from laws and other general acts must be in accordance with the constitution and the laws.

Individual acts and actions by state bodies, the bodies of local communities, and those exercising public authority must be based on a law or on a legal regulation.

### Article 154 (validity of regulations and their publication)

Regulations must be published before they become valid. A regulation becomes valid 15 days after publication, unless it specifies otherwise.

State regulations are published in the state's official gazette, and the regulations of local communities are published in an official organ which they specify themselves.

### Article 155 (prohibition against the retroactive validity of legal acts)

Laws, other regulations, and general acts cannot have a retroactive effect.

A law can only specify that individual provisions of it have a retroactive effect if this is required by the public interest, and if this does not infringe upon acquired rights.

### Article 156 (procedure for assessment of constitutionality)

If a court, in reaching a decision, thinks that a law that it would have to apply is unconstitutional, it must interrupt the proceedings and initiate proceedings before the Constitutional Court. The proceedings before the court are resumed after a decision by the Constitutional Court.

### Article 157 (administrative dispute)

The legality of the final separate acts through which state bodies, the bodies of local communities, and those exercising public authority decide on the rights or obligations and legal interests of individuals and organizations, is determined in an administrative dispute by a competent court, unless other judicial protection is provided by law for the given matter.

If no other judicial protection is ensured, the competent court in an administrative dispute also decides on the legality of separate actions and acts that infringe upon the constitutional rights of an individual.

### Article 158 (legal validity)

Legal relations regulated by a legally valid decision by a state body can be canceled, annulled, or changed only in the cases and according to the procedure specified by law.

### Article 159 (guardian of human rights and fundamental freedoms)

For the protection of human rights and fundamental freedoms with respect to state bodies, local self-government bodies, and those exercising public authority, a guardian of citizens' rights is specified by law.

The law can specify separate guardians of citizens' rights for individual areas.

## VIII. Constitutional Court

### Article 160 (jurisdiction of the Constitutional Court)

The Constitutional Court decides:

- On the compatibility of laws with the constitution;
- On the compatibility of laws and other regulations with ratified international treaties and with the universal principles of international law;
- On the compatibility of local communities' regulations with the constitution and the laws;
- On the compatibility of general acts issued for the implementation of public authority with the constitution, laws, and regulations derived from laws;
- On constitutional appeals because of violations of human rights and fundamental freedoms by means of individual acts;
- On disputes over jurisdiction between the state and local communities, and between the local communities themselves;
- On disputes over jurisdiction between courts and other state bodies;
- On disputes over jurisdiction among the State Assembly, the president of the Republic, and the government;
- On the unconstitutionality of acts and activities by political parties;
- And on other matters with which it is entrusted by this constitution or the law.

At the proposal of the president of the Republic, the government, or one third of the deputies in the State Assembly, during the procedure for the ratification of an international treaty the Constitutional Court states an opinion on its compatibility with the constitution. The State Assembly is bound by the opinion of the Constitutional Court.

If the law does not specify otherwise, the Constitutional Court decides on a constitutional appeal only if legal protection has been exhausted. The Constitutional Court

decides whether to accept the appeal for consideration on the basis of the standards and procedure specified by law.

#### **Article 161 (annulment of laws)**

If the Constitutional Court determines that a law is unconstitutional, it annuls it in its entirety or in part. The annulment is effective immediately, or within a period specified by the Constitutional Court. This period may not be longer than one year. The Constitutional Court cancels or annuls other unconstitutional or illegal regulations or general acts. Under conditions specified by law, the Constitutional Court, until a final decision is made, can fully or partially suspend the implementation of the act whose constitutionality or legality it is judging.

If the Constitutional Court, in deciding on a constitutional appeal, also determines the unconstitutionality of a regulation or general act, it can cancel or annul it, in accordance with the provisions of the first paragraph. The legal consequences of the Constitutional Courts' decisions are regulated by law.

#### **Article 162 (proceedings before the Constitutional Court)**

Proceedings before the Constitutional Court are regulated by law.

The law specifies the proposers of a request for the initiation of proceedings before the Constitutional Court. Anyone may present an initiative for beginning proceedings if he demonstrates his legal interest.

The Constitutional Court makes decisions by a majority of the votes of all the judges, unless otherwise specified by the constitution or the law for individual cases.

The Constitutional Court can decide whether it will begin proceedings on the basis of a constitutional appeal in a limited session, which is specified by law.

#### **Article 163 (composition and elections)**

The Constitutional Court is composed of nine judges, who are elected by the State Assembly at the proposal of the president of the Republic, in a manner specified by law.

The judges are elected from among judicial experts. The president of the Constitutional Court is elected by the judges from among themselves for a period of three years.

#### **Article 164 (premature dismissal of a constitutional judge)**

A judge on the Constitutional Court can be dismissed prematurely in a manner specified by law, only:

- If he requests it himself;
- If he is sentenced to imprisonment for a criminal act; or
- Because of a permanent loss of his effective capacity to perform his duties.

#### **Article 165 (judges' term of office)**

Judges on the Constitutional Court are elected for a period of nine years. Constitutional judges cannot be reelected.

After the expiration of the period for which a constitutional judge was elected, he continues to perform his duties until the election of a new judge.

#### **Article 166 (incompatibility of office)**

The office of a judge on the Constitutional Court is not compatible with offices in state bodies, in local self-government bodies, and in the bodies of political parties, and with other offices and activities, which by law are not compatible with the office of a judge on the Constitutional Court.

#### **Article 167 (immunity)**

Judges on the Constitutional Court enjoy the same immunity as deputies in the State Assembly. The State Assembly decides on immunity.

### **IX. Procedure for Amending the Constitution**

#### **Article 168 (proposal to initiate the procedure)**

A proposal to initiate the procedure for amending the constitution can be submitted by 20 deputies in the State Assembly, the government, or at least 30,000 voters.

The State Assembly decides on the proposal by a two-thirds' majority of the votes of the deputies present.

#### **Article 169 (act on amending the constitution)**

The State Assembly passes an act on amending the constitution by a two-thirds' majority of the votes of all the deputies.

#### **Article 170 (confirmation of the amendment to the constitution in a referendum)**

The State Assembly must submit the proposed amendment to the constitution for adoption by the voters in a referendum, if this is requested by at least 30 deputies.

The amendment to the constitution is adopted in the referendum if a majority of the voters who voted have voted for it, under the condition that a majority of all voters participates in the voting.

#### **Article 171 (proclamation of an amendment to the constitution)**

An amendment to the constitution becomes valid through its proclamation in the State Assembly.

### **X. Transitional and Final Provisions**

#### **Article 172**

This constitution becomes valid beginning on the day of its proclamation.

#### **Article 173**

The provisions of this constitution are applied beginning on the day of its proclamation, unless otherwise specified in the constitutional law for the implementation of this constitution.



**Draft Constitutional Law for the Implementation of the  
Constitution of the Republic of Slovenia**

**Article 1**

The regulations and general acts that were valid on the day of the proclamation of this constitution remain valid. The provisions of regulations that are not in accordance with this constitution should be brought into accordance with it by 31 December 1993 at the latest. Until their coordination with the constitution or until the expiration of the coordination period, it is not possible to initiate proceedings to assess the constitutionality of regulations and other general acts adopted before the proclamation of the Fundamental Constitutional Document on the Autonomy and Independence of the Republic of Slovenia, or carried over by the Constitutional Law for the Implementation of the Fundamental Constitutional Document on the Autonomy and Independence of the Republic of Slovenia, unless these regulations and general acts infringe upon human rights and fundamental freedoms.

**Article 2**

The Assembly of the Republic of Slovenia is to continue working until the first session of the State Assembly.

The first elections to the State Assembly and the State Council are to be held one year after the adoption of this constitution, at the latest.

Until the formation of the State Assembly and the State Council, the chambers of the Assembly of the Republic of Slovenia are to pass laws and other acts in the manner and according to the procedure specified by the 1974 constitution of the Republic of Slovenia, and by its amendments and additions.

Laws that regulate the electoral system are to be passed by the chambers by a two-thirds' majority of the votes of all the deputies.

**Article 3**

Until the election of the president of the Republic of Slovenia, his functions, as specified by this constitution, are to be performed by the presidency of the Republic of Slovenia.

The first elections for the president of the Republic of Slovenia are to be held at the same time as the elections to the State Assembly.

**Article 4**

The Executive Council of the Republic of Slovenia is to continue its work until the election of the prime minister and the appointment of ministers.

**Article 5**

Until the state takes over the state functions previously performed by the opstina, the bodies of the opstina are to perform these functions.

**Article 6**

The courts, public prosecutors' offices, public legal offices, and social self-management legal offices are to continue their work in accordance with the previous regulations until the adoption of new ones.

**Article 7**

The Constitutional Court of the Republic of Slovenia is to work in accordance with this constitution, and with respect to issues of proceedings before the Constitutional Court and the legal consequences of decisions by the Constitutional Court that are not regulated by this constitution, the previous constitutional and legal provisions are to be applied in essence until a law on the Constitutional Court is passed.

**Article 8**

The judges of the Constitutional Court and other courts and the public prosecutors are to perform their duties until the expiration of the term of office for which they were elected or appointed.

The judges of regular courts and courts of associated labor and public prosecutors, in the event of a reorganization of the courts and the state prosecutor's office, can complete their terms of office under the first paragraph of this article in the new judicial bodies.

The terms of office for judges of regular courts and courts of associated labor and public prosecutors whose term of office will expire before new regulations on the organization of the courts and the state prosecutor's office go into effect will be extended, and end six months after the new regulations go into effect.

**Article 9**

Until the law in Article 98 of this constitution is passed, foreigners cannot acquire property rights in real estate.

Foreign states can acquire property rights in real estate that is used for the activity of diplomatic and consular representations.

**Article 10**

This constitutional law can be amended by a two-thirds' majority of the votes of all the deputies, at a joint session of all the chambers of the Assembly or at a session of the State Assembly.

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