General Principles and Challenges of Public Administration Organization in Slovenia

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ABSTRACT

Slovenia is a democratic parliamentary republic. Citizens exercise power directly (e.g. referendum) and through elections, in line with the principle of the separation of powers. Power is divided into the legislative (Parliament, which consists of the National Assembly and the National Council), executive (Government and President of the Republic of Slovenia), and judicial branches. Although the President of the Republic is considered the nominal head of executive power, the government is the de facto holder of executive power. The principle of separation of powers is not implemented in a 'pure' form due to several elements that disrupt the relations between the different branches of government. There is an imbalance in this relationship favouring the legislature, which is reflected in the significant power of the National Assembly in appointing officials and, conversely, the limited power of the President of the Republic.

The state administrative bodies in Slovenia include government offices, various government departments, ministries, and different bodies within ministries and administrative units. The government comprises a President and ministers. Government and state administration are closely related, with the government also serving as the largest body within the state administration in the Republic of Slovenia. The government represents the top of the political executive power structure, while the state administration is the professional part of executive power. State administration, governed by fundamental principles, constitutes a collection of state bodies that develop the professional basis for the government's political decision-making and directly execute decisions issued by both the government and parliament. Administrative units carry out the tasks of state administration, which must be organized and implemented uniformly across any of the state's 58 administrative units. In addition to administrative decentralisation through these units, the Constitution guarantees territorial decentralisation through local self-government. Slovenian local self-government has only one level – the municipal level – comprising 212 municipalities. In recent years, Slovenian public administration has faced the following main challenges, which will determine its further development: reform of the salary system, public authority dilemmas, regional establishment, number of municipalities, and financing methods.

KEYWORDS

Slovenia, public administration, constitutional order, organizational principles, structure of the public administration

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1. Basic social, geographical, and economic overview

Slovenia is located in south-central Europe, bordering Austria to the north, Italy to the west, Croatia to the south, and Hungary to the northeast. It covers 20,273 square kilometres and has a population of 2.1 million. Slovenia is a small but topographically diverse country, comprising portions of four major European geographic landscapes: the European Alps, the karstic Dinaric Alps, the Pannonian and Danubian lowlands and hills, and the Mediterranean coast.[1] Nearly 60% of Slovenia is covered by forests, making it the 3rd most forested country in Europe, with up to 39% of its territory being protected by the Natura 2000 ecological network—the highest level in the EU. The capital, Ljubljana, was declared the Green Capital of Europe in 2016 and is one of the most sustainably developed tourist destinations in Europe (ITB Berlin).[2]

Slovenian ancestors settled in the area in the 6th century AD and established the Principality of Carantania. After the 9th century, the Slovenians lost their sovereignty for the entire millennium but maintained their language and cultural identity.[3] For many centuries, Slovenia was largely controlled by the Habsburgs of Austria and its successors, the Austrian Empire and the Austro-Hungarian Empire.[4] Following World War I, when the Austro-Hungarian Empire collapsed, Slovenians co-established the Kingdom of Serbs, Croats, and Slovenes, later renamed the Kingdom of Yugoslavia.[5] During World War II, the Slovenian territory was divided into German, Italian, and Hungarian occupation zones.[6] After World War II, Slovenia became part of the socialist Yugoslavia and its most prosperous federal republic.[7] Yugoslavia was a one-party state with significant diversity in national, economic, social, religious, and other aspects.[8] Following a plebiscite for independence in December 1990, Slovenia declared its independence in 1991. In the early 21st century, Slovenia integrated economically and politically with Western Europe, joining the North Atlantic Treaty Organization and the European Union in 2004.[9] Slovenia adopted the euro, joined Schengen in 2007, and held two presidencies of the Council of the EU: the first in 2008 and the second in 2021.[10]

Slovenes are South Slavic people who speak a unique language. Approximately 83% of Slovenes are ethnically Slovenians. They were the descendants of settlers, mostly Slavs, who migrated westward from the vast Russian Plain. Italians, who live

1 Lavrencic et al., 2023.
2 Slovenian Business Portal, 2023.
3 Slovenian Business Portal, 2023.
4 Lavrencic et al., 2023.
5 Slovenian Business Portal, 2023.
6 Government Communication Office, 2021.
7 Slovenian Business Portal, 2023.
8 Government Communication Office, 2021.
9 Lavrencic et al., 2023.
10 Government Communication Office, 2021.

mainly in Primorska (southwestern Istria), represent 0.1% of the population, and Hungarians, who live in the northeastern Prekmurje region and represent 0.3% of the population. They are Slovenia's two main ethnic minority groups. The Roma are also autochthonous to Slovenia and are found mostly in northeastern Slovenia, as well as scattered throughout southern Slovenia near the border with Croatia.[11] Other large ethnic groups include Serbs, representing 2% of the population; Croats, representing 1.8% of the population; and Muslims (including Bosniacs) representing 1.6% of the population.[12] In 2020, the population density in Slovenia was 103 per km^2, and approximately 55% of the population was urban. The median age of Slovenia has been rising rapidly, from 34.2 years in 1990 to 44.5 years in 2020,[13] representing a major Slovenian demographic problem.

Today, Slovenia is a democratic parliamentary republic with a fast-growing export-oriented economy.[14] In 2021, the share of agriculture in Slovenia's gross domestic product was 1.69%, industry contributed approximately 28.48%, and the service sector contributed approximately 57.71%.[15] Slovenia's economy has been stable, with a sustained growth rate in recent years, optimistic forecasts for the future years, low inflation, a large fiscal and current account surplus (above 8.5% of Gross Domestic Product (GDP)), and declining sovereign debt, currently at 69.9% of GDP. In 2022, the GDP per capita was EUR 27,937, the average monthly gross earnings for the year were EUR 2,023.92, and the unemployment rate was 4.2%.[16] Slovenia focuses on exports, which represent a large proportion of its economy. In 2021, Slovenian exports of goods amounted to EUR 26.8 billion while exports of services reached EUR 6.3 billion—a combined total of EUR 33.1 billion, which is approximately 63% of the country's GDP.[17]

Slovenia is decentralised,[18] territorially unified, and indivisible[19][20]. Territorial decentralisation is reflected in local self-government and administrative decentralisation through administrative units. The Constitution guarantees local self-government[21] and defines regions as the first level of territorial decentralisation,[22] which has never been implemented in practice. Thus, Slovenian local self-government has only one municipal level, comprising 212 municipalities. State administration tasks

11 Lavrencic et al., 2023.
12 European Commission, 2023.
13 Worldometer, 2023.
14 Slovenian Business Portal, 2023.
15 O'Neill, 2023.
16 SURS, 2023a; SURS, 2023b; Slovenia Business, 2023.
17 Slovenia Business, 2023.
18 For more see Brezovnik, 2008.
19 Article 4 of the Constitution.
20 The Constitution of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, no. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 – UZ43, 69/04 – UZ50, 68/06 – UZ121,140,143, 47/13 – UZ148, 47/13 – UZ90,97,99, 75/16 – UZ70a and 92/21 – UZ62a).
21 Article 9.
22 Article 143.

are conducted by 58 administrative units, each including the area of one or more municipalities.[23]

2. Public administration and constitutional order

2.1. Conceptual positioning of the government within the broader constitutional order

Slovenia is a democratic parliamentary republic. Citizens exercise power directly (e.g. through referendum) and through elections according to the principle of the separation of powers.[24] Like other modern constitutional systems, Slovenia's is also based on the 'tripartite' separation of powers.[25] Power is divided into the legislative, executive, and judicial branches. The holder of legislative power is the parliament, which consists of the National Assembly and National Council. Executive power is vested in the Government and the Head of State – the President of the Republic of Slovenia – and judicial power is separated from both legislative and executive powers. The Constitutional Court has a special place, as it performs the function of constitutional judicial review.[26] This section focuses on the legislative and executive branches of the government and their relationships.

The legislative branch is held by a bicameral parliament that operates in a system of incomplete bicameralism.[27] The Slovenian Parliament is composed of the National Assembly and the National Council. The National Assembly has 88 representatives of political parties and two representatives of Hungarian and Italian national minorities. The National Assembly has legislative, electoral, and supervisory competencies. Legislative powers include the adoption of amendments to the Constitution, the adoption of legislation, declarations, resolutions, rules of procedure, and the ratification of international treaties. Within its electoral powers, the National Assembly elects or appoints and dismisses high-ranking state officials, particularly, the Prime Minister and ministers, the President and Vice-Presidents of the National Assembly, the Chairpersons, Vice-Chairpersons, and members of the working bodies of the National Assembly; the Secretary-General of the National Assembly; judges,[28] including judges of the Constitutional Court; judges and members of the Judicial Council; the Governor of the Central Bank; members of the Court of Auditors; the Ombudsman; the Information Commissioner; and others. In its supervisory role, the National Assembly

23 For more about territorial decentralisation of Slovenia, in particular local self-government, see sections The Government and State Administration and Administrations of self-governing local communities.
24 Article 3 of the Constitution.
25 Grad et al., 2018, p. 209.
26 Gov.SI Portal, 2023; Grad et al., 2018, p. 209.
27 Grad et al., 2018, p. 210.
28 Currently there is a vocal expert debate about the constitutional reform that would transfer the power to appoint judges from the National Assembly to the Judicial Council and the President of the Republic.

exercises political control over the executive branch and social oversight. The latter is exercised mainly through parliamentary inquiry, while political control is exercised primarily through the motion of (no)confidence in the government and deciding on the impeachment of the President of the Republic, the Prime Minister, and ministers before the Constitutional Court. The National Assembly also has highly important competence in deciding on declarations of martial law, states of emergency, and the use of defence forces.[29]

Unlike the directly elected representatives of the National Assembly, who are representatives of all the people,[30] members of the National Council (40), who are nominated and elected by different interest groups in society (employers, employees, farmers, craftsmen, independent professions, and non-commercial activities), represent organized social interests and the interests of local communities. The National Council represents a weaker second chamber than the National Assembly because of its limited or uneven competences and instruments at its disposal to influence the exercise of the legislative function in comparison with the National Assembly.[31] These include proposing the adoption of laws to the National Assembly, offering the National Assembly an opinion on all matters within its competence (opinion is non-binding), and requesting that the National Assembly vote again on a law before it is promulgated (suspensive veto).[32]

The most important functions of the modern state (repressive, social, and economic) are most directly exercised by executive power, which is why it is the most vital and powerful branch of government.[33] The current constitutional arrangements, by introducing the principle of separation of powers and the parliamentary system (at least at the level of principle), have introduced a completely different position and organization of executive power compared to past arrangements. Although the President of the Republic is considered the nominal head of executive power, the government is the de facto holder of executive power.[34] The government is a collegial institution that directs and coordinates the implementation of state policies in line with the Constitution and legislation. It adopts regulations and other legal, political, economic, financial, and organizational measures necessary to ensure the efficient and effective implementation of state policies. In addition, it drafts and proposes laws, the state budget, and other general acts that determine the long-term political orientation of the state.[35] The composition and functions of the government are described comprehensively in the following sections.

In contrast to the previous constitutional system, in which the office of the Head of State was held by a collective body (the Presidency of the Republic), the current

29 Grad et al., 2018, p. 392.
30 Article 82 of the Constitution.
31 Grad et al., 2018, p. 210.
32 Grad et al., 2018, p. 448.
33 Grad et al., 2018, p. 500.
34 Grad et al., 2018, p. 505.
35 Gov.SI Portal, 2023.

system is held by the individual President of the Republic. As noted previously, the constitutional position of the President of the Republic is based on the principle of separation of powers and the parliamentary system. His or her position in relation to the bodies and institutions of the executive, legislative, and judicial branches of government is weaker than that of other parliamentary systems in European countries. The President exercises most of their rather limited powers in relation to the National Assembly, whereas the legal relationship between him/her, the government, and the judiciary is limited.[36] The most important powers of the President of the Republic are: representing and defending the interests of the Republic of Slovenia in relation to other nations, serving as commander-in-chief of the country's defence forces, calling elections to the National Assembly, promulgating laws, appointing state officials, ambassadors, and envoys of the Republic of Slovenia, receiving credentials of foreign diplomatic representatives, issuing instruments of ratification, granting pardons, awarding decorations and honorary titles, nominating the Human Rights Ombudsman, and appointing judges of the Court of Auditors and judges at the European Court of Human Rights.[37]

The principle of separation of powers is not implemented in a 'pure' form,[38] as there are several elements that disrupt the relations between the various branches of government. There is an imbalance in this relationship in favour of the legislature, which is reflected in the excessive powers of the National Assembly to appoint officials and the limited powers of the Head of State. The latter is most problematic when concerning the formation of the government, which is elected by the National Assembly rather than the President of the Republic.[39] The role of the President of the Republic in the formation of the government is considerably weaker in the Slovenian system than in other parliamentary systems. Following the German model, the President of the Republic proposes a candidate as Prime Minister to the National Assembly for election, but unlike in the German system, he/she has no role in the appointment of ministers, who are appointed solely by the National Assembly.[40]

The President's powers to resolve disputes between the parliament and the government are also limited. In a traditional parliamentary system, the Head of State can dissolve the parliament on the recommendation of the Prime Minister if the parliament passes a motion of no confidence against the government. In the Slovenian system, the President has no such power, since the Constitution specifically outlines the cases in which the President of the Republic can dissolve the National Assembly and call for early elections. The President can do this only (i) if the government cannot be formed, and (ii) in the case of a vote of no confidence against the government, if a new Prime Minister is not elected, or the old government fails to win a vote of

36 Grad et al., 2018, pp. 470–471.
37 Grad et al., 2018, pp. 480–493.
38 For more on the pure form of the principle of separation of powers see Grechenkova, 2022, p. 6.
39 Grad et al., 2018, p. 210.
40 Grad et al., 2018, p. 505.

confidence (constructive vote of no confidence). These departures from the German model render our current system considerably less stable than its role model. This also brings our system closer to the 'assembly system', in which usually only the parliament forms the body that performs the executive function. Such a constitutional setting of legislative and executive institutions also weakens and obscures the constitutionally established principle of the separation of powers.[41]

2.2. Conceptual positioning of the public administration within the broader constitutional order

Executive power is divided into two parts, a political-executive part, and an administrative-executive part. Political executives provide the leadership, direction, and supervision for law enforcement. This function is always performed by the authorities that have a political mandate. The administrative-executive part is responsible for the direct implementation of the law, which is carried out by a professional civil service that directly implements the law.[42]

The Slovenian Constitution regulates the organization of the state in chapter IV, 'State organization', and chapter V, 'Self-government'. Constitutional regulation of the organization of Slovenian public administration is scarce, as Article 120(1) of the Constitution merely provides that the organization of (public) administration and its competences shall be regulated by law. Article 120 aims to ensure transparency and stability in the organization of the administration.[43] This provision is linked to Article 114(2) of the Constitution, according to which the number, competence, and organization of ministries are determined by law.[44] The provision for statutory regulation of competences (also) has organizational significance (substantive and territorial competences).[45] Specific ministries must be defined by law; however, for other administrative bodies, typification (defining the types of administrative bodies), rather than defining specific administrative bodies, is sufficient. Ministerial bodies and administrative units are, for instance, established by a government decree, which also lays down the foundations for the internal organization of administrative bodies. The internal organization of a specific body is determined by its internal acts.[46]

Regarding the organization of administrative bodies, Article 121(1) of the Constitution originally provided that administrative tasks were to be performed directly by ministries. This arrangement not only allowed for the deconcentration of the state administration but also prevented decentralisation. With the amendment of the Constitution in 2006,[47] this provision was deleted as it constituted an obstacle

41 Grad et al., 2018, p. 505.
42 Grad et al., 2018, p. 537.
43 Rakar, 2021, p. 303.
44 Pirnat, 2019.
45 Virant, 2002.
46 Rakar, 2021, pp. 303–304.
47 Constitutional Act Amending Articles 121, 140 and 143 of the Constitution of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, no. 68/06).

to the transfer of administrative tasks from the state to local communities, regions, and other organizations. Previously, this could only be achieved with the consent of the municipalities themselves, except for city municipalities, to which the state could delegate some of its tasks related to urban development by law. The amendment of the Constitution made it possible to decentralise administration and apply the principle of subsidiarity.[48]

Article 120(2) of the Constitution stipulates that administrative authorities must carry out their work independently, within the framework, and on the basis of the Constitution and law (principle of legality).[49] Furthermore, Article 120(3) of the Constitution guarantees judicial protection of the rights and legitimate interests of both citizens and organizations against decisions and actions taken by administrative authorities and public officials, thereby establishing a system of judicial supervision over administrative matters.[50]

Certain functions of the state administration may also be performed through public authority.[51] The previous version of the Constitution stipulated that (only) the law could grant public authority to self-governing communities, companies, and other organizations and individuals to perform certain functions of state administration. This provision was amended in 2006. Following the constitutional amendment, public authority may also be granted by an act based on law, which makes it easier to confer public authority. Under the amended Article 121 of the Constitution, public authority can be granted to legal or natural persons. Finally, the Constitution states that recruitment to administrative services is based on public tender, except in cases specified by law.[52] This constitutional provision establishes the modern principle that civil servants should normally be recruited by public tenders (competition), which is a crucial element in the democratisation and accessibility of the civil service, as well as in protection against various abuses.[53]

2.3. Constitutional principles and rules affecting the functioning of public administration

Despite the modest legal regulations on public administration in the Slovenian constitutional order, numerous constitutional principles and rules govern the functioning of public administration. Among the most important, which will be further discussed below, are the principle of legality,[54] the principle of democracy,[55] the principle of the

48 Grad et al., 2018, p. 537.
49 For more on the independence of administrative authority, see section Constitutional principles and rules affecting the functioning of public administration.
50 Grad et al., 2018, p. 540.
51 Article 121(2) of the Constitution.
52 Article 122 of the Constitution.
53 Grad et al., 2018, pp. 540–541.
54 Article 120(2).
55 Article 1.

rule of law,[56] the principle of separation of powers,[57] the protection of human rights,[58] the principle of equality,[59] the equal protection of rights,[60] the right to a fair trial,[61] the right to a remedy,[62] and the general freedom of action.[63]

The principle of legality, as defined in Article 120(2), is one of the fundamental constitutional principles that bind the activities of administrative authorities to the framework of the Constitution and the law. Respect for the principle of legality is crucial to the relationship between legislative (parliament) and executive (government) power in a parliamentary democracy. Legal theory defines the principle of legality as the basis defining the relationship between legislative and executive power, ensuring that the actions of executive power are grounded in law. Consequently, the law must serve as the substantive basis for the issuance of bylaws and individual acts of the government and administrative bodies. These actions should align with the law's requirements, even without an explicit mandate. Furthermore, they must fully conform to the law in terms of their substance.[64] In addition to Article 120(2), the Constitution contains several other provisions that explicitly or implicitly establish the principle of legality for the functioning of administrative authorities. Article 153(3) of the Constitution provides that bylaws and other general acts must comply with the Constitution and the law. Article 154(4) of the Constitution stipulates that the individual acts and actions of administrative bodies, local authorities, and holders of public authority must be based on law or lawful acts. The Constitution also provides that the Constitutional Court is competent to review the conformity of bylaws with the Constitution and the law, and to rule on constitutional appeals on the grounds of violation of human rights and fundamental freedoms by individual acts.[65] The constitutionality and legality of abstract administrative acts are assessed by the Constitutional Court, whereas the legality of concrete and real administrative acts is assessed first by superior administrative authorities and then by the Administrative Court.[66]

The principle of legality is, in the context of public administration, also linked to other constitutional principles, particularly the principle of democracy, the principle of separation of powers, the rule of law, and the protection of human rights and fundamental freedoms. The principle of democracy[67] mandates that directly elected Members of Parliament make the most important decisions, particularly those affecting citizens. Consequently, executive power (government and administrative bodies)

56 Article 2.
57 Article 3.
58 Article 5.
59 Article 14.
60 Article 22.
61 Article 23
62 Article 25.
63 Article 35.
64 Šturm, 2002a.
65 Article 160 of the Constitution.
66 Šturm, 2002b.
67 Article 1 of the Constitution.

can only legally act on the basis of substantive law and within the framework of the law, and not on the basis of its own rules. In this respect, the primacy of the law, as the primacy of the legislature, also plays an important role in the delimitation of powers between the legislature and the executive, in accordance with the principle of separation of powers.[68] The independence of administrative authority, as provided for by Article 120(2) of the Constitution, is also derived from the principle of separation of powers. Independence in issuing abstract legal acts means that administrative authorities do not need specific power in the law – the supposed enforcement clause – to issue administrative rules. If a law contains an enforcement clause, it should be understood as a duty imposed by the legislator on the executive branch of the government or as a competence clause, which is sometimes necessary to delimit competences and designate the responsible enforcer of the legal norms among the different administrative authorities. However, this does not mean that administrative authorities will not issue rules if the law does not contain an enforcement clause. This right, based on the principle of separation of powers, is expressly conferred on them by the constitutional provision on the independence of their work.[69] The independence of the administration is expressed in the same manner as the issuance of specific administrative acts and the application of real acts. Other public authorities may not interfere with the work of administrative authorities in specific cases.[70]

The rule of law[71] requires legal relations between the state and its citizens to be governed by law. It not only sets the framework and basis for the administrative and legal action of executive power but also makes this action known, transparent, and predictable for citizens, which increases their legal certainty[72].[73]

The principle of the protection of human rights and fundamental freedoms[74] mandates that human rights and fundamental freedoms may only be restricted by the legislature, in accordance with the principle of democracy and the rule of law, and not by executive power. Any limitations imposed must comply with the Constitution.[75] This principle is essential for the effective protection of individual rights and legal interests, including the effective review of the constitutionality and legality of administrative acts. Within the framework of the constitutional provisions in the Chapter on Human Rights and Fundamental Freedoms, the functioning of public administration is particularly affected by the equal protection of rights under Article 22, the right to judicial protection under Article 23, the right to a legal remedy under Article 25, the principle of equality under Article 14, and the general freedom of action under Article 35.[76]

68 Article 3(2) of the Constitution.
69 Article 120(2).
70 Šturm, 2002a; Šturm, 2002b.
71 Article 2 of the Constitution.
72 Šturm, 2002a; Šturm, 2002b.
73 The duty to state reasons for an individual administrative act, which is a general principle of law, has also been identified in theory as an implementing principle of the rule of law.
74 Article 5(1) of the Constitution.
75 Article 15: 'Exercise and Limitation of Rights' and Article 2: 'Principle of Proportionality'.
76 Šturm, 2002b.

3. Organizational principles and structure of the public administration in Slovenia

Public administration is often considered in the context of the definition of the public sector. Therefore, public administration (often also referred to as the public sector), in a wider sense, encompasses all activities undertaken in the public interest within the framework of instrumental public governance, such as the implementation of public tasks, adoption of executive regulations, decision-making in administrative procedures, inspection control, and ensuring the implementation of public services. Meanwhile, public organization, according to the narrower, organizational concept, is defined as a system of state administration bodies, self-governing local community administrations, public authority holders, and public service providers who perform authoritative and public service tasks. Public administration is, therefore, the term traditionally used to define formal arrangements through which public organizations serve the government in the public interest. Organizational aspects refer to the overall structure and relationships within public administration.[77]

There are two territorial organizations with the status of legal persons: (i) the State and (ii) municipalities. Only the State has imperium (supreme power, absolute authority, or rule). The State is a legal entity while all state authorities (bodies etc.) important for the functioning of the State are not. These state authorities are: 1) legislative power: the National Assembly and the National Council; 2) executive power: the President of the Republic and the government (the Prime Minister, ministries) and state administration (ministries, government offices, different bodies within a ministry, and administrative units); and 3) judicial power: the Constitutional Court and other courts (the Supreme Court, higher courts, district and circuit courts, specialised courts such as labour and social courts, and administrative courts). Other state authorities and legal persons under public law include public agencies, funds, institutions, and social insurance providers.

3.1. The government and state administration

The state administrative bodies in Slovenia include government offices, (different) government departments, ministries, and different bodies within ministries and administrative units. The organization of the state administration, its powers, and the method of appointing officials are all regulated by law. Administrative bodies perform their work independently within the framework of the Constitution and laws. The judicial protection of the rights and legitimate interests of citizens and organizations is guaranteed against the decisions and actions of administrative bodies and holders of public authority.[78]

77 Johnston, 2015.
78 Article 120(3) of the Constitution.

As noted in the previous section, the government and the President of the Republic represent the executive branch of power. The government comprises Presidents and ministers. It is a collegial body in which the Prime Minister ensures the unity of the political and administrative direction of the government and coordinates the work of the ministers, who are jointly responsible for the work of the government, and each minister for the work of their ministry. The law determines the number of ministries, their powers, and the organization of ministries and other administrative bodies. Ministries have been established to perform tasks in one or more administrative areas.[79] The government supervises the work of the ministries; issues them guidelines for the implementation of policies and enforcement of laws, regulations, and general acts; and ensures that the ministries carry out their tasks in a coordinated manner. The government and individual ministers are independent and accountable to the National Assembly within their powers. The National Assembly can pass a vote of 'no confidence' only by electing a new Prime Minister on the recommendation of at least ten deputies (members of the National Assembly) with a majority vote of all deputies (at least 46 out of 90). Based on this, the previous Prime Minister is dismissed, but they and their ministers must perform the ongoing business until the new government is sworn in. At least forty-eight hours must elapse between the submission of a recommendation for the election of a new Prime Minister and the vote, unless the National Assembly decides otherwise with a two-thirds majority of all deputies, or if the country is in a state of war or emergency.[80] If the Prime Minister or other ministers violate the Constitution and laws while performing their duties, the National Assembly can bring them before the Constitutional Court. With two-thirds of all judges, the Constitutional Court can decide on the temporary incapacity to perform office or on removal from office. Prime and individual ministers may also resign.

Government and state administration are closely related, as the government is also the highest body of state administration in the Republic of Slovenia. The government represents the top political executive structure, while the state administration is the professional branch of executive power. The government directs state administration through its ministers and determines, directs, and coordinates the implementation of state policies, performing governance. It issues regulations and adopts other legal, political, economic, financial, organizational, and other measures necessary to ensure the country's development and to regulate matters within all areas under state authority. The government proposes laws, state budgets, national programs, and

79 The acting Government comprises the following ministries: Ministry of Foreign and European Affairs, Ministry of the Interior, Ministry of Finance, Ministry of Defence, Ministry of Labour, Family, Social Affairs and Equal Opportunities, Ministry of Health, Ministry of Justice, Ministry of Public Administration, Ministry of Solidarity Future, Ministry of Environment, Climate and Energy, Ministry of Higher Education, Science and Innovation, Ministry of Economy, Tourism and Sports, Ministry of Culture, Ministry of Agriculture, Forestry and Food, Ministry of Infrastructure, Ministry of Natural Resources and Space, Ministry of Cohesion and Regional Development, Ministry of Digital Transformation and Government office for Slovenians abroad and around the world. Altogether 19 minister and the president of the government.

80 Article 116 of the Constitution.

other general acts that determine the principles and long-term political directions for various areas within state authority, for adoption in the National Assembly. The National Assembly is also responsible for the state policy leadership and oversight of all areas under the state authority. Additionally, it is accountable for the implementation of laws and other regulations of the National Assembly and foreseeing the administration's functioning.

State administration is a collection of state bodies that prepare the professional basis for political decision-making by the government (and indirectly by the Parliament, or especially the National Assembly) and directly implement the decisions made by the government and the parliament (laws, budget, regulations, etc.).[81] Therefore, the state administration is the state's professional apparatus. The executive and administrative functions are often regarded as synonymous. State administration (as part of the executive power) in the Republic of Slovenia performs administrative tasks. The most important administrative tasks are: (i) cooperation in policymaking (preparing proposals for laws, subordinate legislation, and other acts and materials, and providing other professional assistance in policy formulation); (ii) executive orders (enforcing laws and other regulations adopted by the National Assembly, ratifying international treaties, the state budget, subordinated legislation, and other acts of the government by issuing regulations and individual acts as well as internal acts), (iii) inspection control (carrying out inspection control over the implementation of regulations), (iv) status monitoring (monitoring the state of the society in the areas for which it is responsible and promoting development in accordance with the adopted state policy), (v) development tasks (encouraging or directing social development), and (vi) provision of public services (ensuring the performance of public services in accordance with the law).[82]

State administration is governed by three fundamental principles: 1) the principle of legality and independence, which requires the administration to perform its work independently within the framework of, and on the basis of, the Constitution, laws, and other regulations, 2) the principle of professionalism, political neutrality, and impartiality, which requires administration to perform its work according to the rules of the profession, while also being politically neutral and act impartially; this implies that it must not give unjustified benefits and advantages to individuals or individuals, legal entities or interest groups, and 3) the principle of transparency, which implies that the administration is obliged to ensure the publicity and transparency of its work, considering the restrictions arising from the regulations governing the protection of personal and confidential data, as well as other regulations. State administration, therefore, performs its work independently within the framework of, and based on, the Constitution, laws, and other regulations, and according to the rules of the profession.

81 Tičar and Rakar, 2011, p. 150.

82 Articles 8 to 13 of the Act on State Administration (Official Gazette of the Republic of Slovenia, No. 113/05 – official consolidated text, 89/07 – odl. US, 126/07 – ZUP-E, 48/09 , 8/10 – ZUP-G, 8/12 – ZVRS-F, 21/12 , 47/13 , 12/14 , 90/14 , 51/16 , 36/21 , 82/21 , 189/21 , 153/22 and 18/23).

As noted in previous sections, employment in administrative services is possible only on the basis of public competition, except in cases stipulated by law[83].[84] When conducting this work, the administration must be politically neutral. The official language of the administration is Slovenian, but in municipalities where indigenous Italian or Hungarian national communities reside, the official language of the administration is also Italian or Hungarian. In these areas, the administration conducts business in the language of the national community. A public servant is an individual who enters an employment relationship with the public sector. According to the legislation, the public sector consists of (i) state bodies and administrations of self-governing local communities; (ii) public agencies, public funds, public institutions, and public economic institutions; and (iii) other public law entities, if they are indirect users of the state budget or local community budget. Officials elected in state and local community bodies are not civil servants. The public servant system is based on certain principles, such as 1) the principle of equal access (recruitment must be conducted in a manner that enables equal access to jobs for all interested candidates under the same conditions and ensures that the candidate best professionally qualified to perform workplace tasks is selected); 2) the principle of legality (public servants must perform tasks on the basis of and within the limits of the Constitution, ratify, and publish international treaties, laws, and subordinate legislation); and 3) the principle of expertise (public servants must perform public tasks professionally, conscientiously, and in a timely manner. In their work, they act according to the rules of the profession and, for this purpose, constantly train and improve, whereby the conditions for professional improvement and training are provided by the employer; 4) the principle of honourable conduct (civil servants must act honourably when performing public duties in accordance with the rules of professional ethics)[85]; 5) the principle of confidentiality (civil servants must protect classified information, regardless of how they obtained it). This duty also applies after the termination of the employment relationship; the duty to protect confidential information applies until the civil servant's employer discharges this duty; 6) the principle of responsibility for results (the civil servant must be responsible for the high-quality, fast, and efficient execution of entrusted public tasks); 7) the principle of good management (civil servants must use public funds economically and efficiently, with the aim of achieving the best results at the same costs, or the same results at the lowest costs); 8) the principle of protection of professional interests; and 9) the prohibition of the harassment principle.[86]

Administrative units perform the tasks of state administration, which must be organized and implemented uniformly in any of the 58 administrative units across

83 Article 122 of the Constitution.
84 Such exceptions are certain positions in prime ministers and ministerial offices.
85 Code of Conduct for Public Servants (Official Gazette of the Republic of Slovenia, No. 8/01).
86 Article 7 to 15 of Law on Public Servants (Official Gazette of the Republic of Slovenia, No. 63/07 – official consolidated text, 65/08 , 69/08 – ZTFI-A, 69/08 – ZZavar-E, 40/12 – ZUJF, 158/20 – ZIntPK -C, 203/20 – ZIUPOPDVE, 202/21 – od. US and 3/22 – ZDeb).

the state. The areas of administrative units are therefore determined to ensure the rational and efficient performance of administrative tasks. As a rule, the area of an administrative unit includes the areas of one or more local communities and municipalities. Administrative units perform administrative tasks that need to be organized territorially due to their nature. Such territorial organizations bring the tasks of state administration closer to those of citizens. Administrative units are a form of administrative deconcentration, where the areas of work for state administration authorities are distributed across the state territory. However, these territorial state authorities remain subordinate to the central state administrative authority (the government and ministries). Administrative units make decisions on the first instance of administrative matters under state jurisdiction, unless otherwise specified by law for individual administrative matters. Each ministry, within its own field of work, provides administrative units with guidelines, professional guidance, and other professional assistance in the execution of tasks within their jurisdictions. Ministries also give mandatory instructions to administrative units, monitor their organization of work and competences of employees to perform tasks, improve the efficiency of work in solving administrative matters, supervise the execution of administrative tasks, order the administrative unit to perform certain tasks or take certain measures within the limits of its powers, and report on progress. Administrative units represent the first instance of state administration, while ministries represent the second (appellate) level. Therefore, the ministry responsible for a certain administrative area decides on an appeal against a decision or other individual acts issued by an administrative unit in the first instance.[87]

3.2. Administrations of self-governing local communities

The Constitution of the Republic of Slovenia guarantees local self-government.[88] A special chapter in the Constitution (Chapter V) is dedicated specifically to local self-government, where its fundamental institutions are defined, such as the implementation of local self-government, the municipality, the work area of self-governing local communities, the city municipality, the income of the municipality, the region, and the control of state bodies. The constitutional provisions of local self-government are defined comprehensively by local legislation, which regulates the general position of local self-government, the establishment of municipalities, the financing and financial relief of municipalities, local elections, the position of the capital city, and so on. When the Act on Local Self-Government was implemented in 1994, it was considered the beginning of modern Slovenian local self-government. In 1996, Slovenia ratified the European Charter of Local Self-Government, which respects the principles of local self-government as pursued by the Charter. Some authors warn that the Charter was never fully implemented, as the subsidiarity principle was never

87 Act on State Administration.
88 Chapter I, Article 9.

fully implemented.[89] Although the Constitution mentions both municipalities and regions, Slovenian local self-government has only one level: the municipal level. The 2006 constitutional amendment introduced regions, but it did so only on paper. A law that should have established regions was never adopted due to a lack of political will. Thus, the basic self-governing local community in Slovenia is a municipality. The territory of the municipality includes a settlement or several settlements connected to the common needs and interests of the inhabitants. A municipality is established by law, following a referendum that determines the will of the residents in a certain area. Slovenia has 212 municipalities, of which 12 are classified as urban or urbanised areas. While there are no significant differences between ordinary and city municipalities, the state can delegate certain responsibilities related to urban development specifically to city municipalities. The municipality's jurisdiction includes local matters that it can regulate and manage independently, concerning only the residents of the municipality. Examples include: managing the municipal property; providing conditions for the economic development of the municipality; regulating, managing, and caring for local public services; promoting social welfare services; pre-school care; offering primary care for children and families; for the socially vulnerable, the disabled, and the elderly; promoting the development of sports and recreation; building, maintaining, and arranging local public roads, public paths, recreational and other public areas; organizing the performance of cemetery and funeral services; and organizing municipal administration. By law, the state can delegate the performance of individual tasks under its jurisdiction to municipalities, provided it also supplies the necessary resources. In matters transferred to local community authorities by the state, state authorities supervise the appropriateness and professionalism of their work.

Municipalities are entities under public law with the right to own, acquire, and dispose of all types of property, and are financed from their own resources. These sources include income tax, compensation for the use of building land, various taxes, concession fees, revenue from fines, and real estate rental. The same financing system applies to all municipalities in the Republic of Slovenia, regardless of their diversity. The largest part of municipal revenue is provided by income tax, compensation for the use of building land, and simplified personal and property taxes, which are comparable to most other European local self-government financing systems. Income tax, which is the largest source of income for municipalities, is shared according to a special system based on solidarity between municipalities. Municipalities are also provided with additional funds from the state budget to finance joint municipal administrations. In addition, municipalities are not completely independent in borrowing, as they can only borrow based on the prior consent of the minister responsible for financing and under the conditions set by the law governing the financing of municipalities. Despite this, the financial autonomy of municipalities in Slovenia is minimal, as financing largely depends on legislation and the state budget adopted by the legislature.

89 Haček, 2020.

Municipalities are managed by three independent bodies: the mayor, the municipal council, and the supervisory board. The municipal council is the highest decision-making body for all matters within the scope of the municipality's rights and duties. Its work resembles that of the parliament. It comprises seven to 45 members, depending on the size of the municipality. Members of the municipal council are elected in local elections for a four-year period; they perform their function on a nonprofessional basis (i.e. they receive meeting fees, but not salaries). Elections are generally held according to the proportional system, except in municipalities with fewer than 11 members on the municipal council, where elections are held according to the majority system. In ethnically diverse areas, the Italian and Hungarian national communities have at least one representative on the municipal council. The Roma also have at least one representative from 20 municipalities. Foreigners can also be elected to municipal councils (the principle of permanent residence, not citizenship, prevails). The municipal council adopts the municipal statute, the rules of procedure of the municipal council, decrees, and other municipal acts, as well as the spatial and other development plans of the municipality. The council also adopts the municipal budget and final account, and appoints and dismisses members of the supervisory board, the working bodies of the municipal council, and representatives of the founder in the bodies of public institutions and companies established by the municipality. The municipal council supervises the work of the mayor, deputy mayor, and municipal administration regarding the implementation of municipal council decisions based on regulations governing the handling of real property belonging to the state and self-governing local communities, and performs other tasks specified by law or municipal statute.

The mayor represents the municipality. Thus, they are the executive authority of the municipality. They are elected directly in local elections according to the majority electoral system and have a four-year term. The mayor represents the municipal council, convenes it, and leads municipal council meetings, but does not have the right to vote at these meetings. However, they have the exclusive authority to propose the adoption of the municipal budget, the final budget account, and the act on the organization of the municipal administration to the municipal council. The mayor is a municipal functionary who can perform their functions on a nonprofessional or professional basis. They at least have one deputy mayor appointed from among the members of the municipal council. The latter replaces the mayor in cases of absence or reluctance.

As the third municipal body, the Supervisory Board oversees public spending in the municipality. It supervises the handling of the municipality's property and controls the purposefulness and expediency of the use of budget funds and the financial operations of budget fund users. Members perform their functions on a nonprofessional basis, similar to members of the municipal council.

Even though representative bodies do exist, residents are the closest to the authorities in municipalities; therefore, this is the place where it is easiest for them to exercise their right to participate in decision-making. Municipality residents can participate in decision-making by engaging in consultations, voting on a participatory

budget, proposing referendums, considering proposals, and having access to all public information.

Additionally, each municipality has its own municipal administration, which performs administrative, professional, acceleratory, and developmental tasks, as well as tasks related to the provision of public services under municipal jurisdiction. In relation to municipal administration, the mayor has the most authority. The municipal administration is established by the municipal council at the proposal of the mayor, with a general act that determines its tasks and internal organization. The mayor also directs and supervises the municipal administration, which is led by the secretary (or director) of the municipality, who is also appointed and dismissed by the mayor. Disputes about jurisdiction between municipal administration bodies are also decided by the mayor, who determines the more detailed internal organization and systematisation of jobs in the municipal administration.

3.3. Holders of public authority

The public authority is a constitutional institution, as the Constitution of the Republic of Slovenia stipulates that 'by law or on its basis, legal or natural persons may obtain public authorisation to perform certain tasks of the state administration'. It is also a fact that public authority is mentioned ten times in the Constitution, together with the holders of public authority. Public authorisation is most often treated as a special institution of administrative law, where it belongs to a circle of institutions, such as legal entities under public law, administrative contracts, concessions, and public procurement.

To summarise, the purpose of granting public authority is to ensure a more expedient and efficient performance of public (administrative) tasks.[90] Since public authority is granted for the performance of certain tasks of the state administration, it is also necessary to clarify what these governmental or administrative tasks are that warrant the granting of public authority. Simply put, these tasks include the issuing of general acts, individual administrative-legal acts, decision-making in individual matters, and the performance of material actions.[91] However, it is crucial to remember that public authority (and with it) is primarily reserved for the state and never represents a solitary and indivisible element.[92] Public authority is related to the issuing of authorisations or authoritative acts by (private) entities outside the state organization, which are entrusted with the right to (co)execute authority within the framework of, or in connection with, the performance of a certain public service, e.g. issuing public documents, keeping public records.[93]

It should be emphasised that public authority is granted for the performance of certain tasks within the state administration. The reasons for granting public authority are as follows:

90 Pečarič, 2018, p. 185.
91 Pirnat, 2011, p. 1273.
92 Goldmann, 2018, p. 332.
93 Kovač, 2006.

(a) A more rational, efficient, and economical performance of these tasks (there is also the interest of the user, e.g. technical inspections are services for which the user pays directly; it is easier for a car service company, which provides such services at any time, than for the state administration. Simultaneously, vehicle registration can also be performed, which is easier for the user and more efficient),

(b) The need for self-regulation (e.g. which chambers—a trade licences issued by trade chambers, that is, decision-making in certain professional matters is left to an interest group),

(c) The need for independent management (regulation—depending on the nature or type of tasks, permanent direct political control over the performance of the tasks of, for example, public agencies, are not necessary or appropriate. The government must not interfere directly in the work of public agencies, such as the Securities Market Agency, Insurance Supervision Agency, Agency for Communication Networks, and Services of the Republic of Slovenia. There are seventeen public agencies in the Republic of Slovenia).

One of the prevailing types of public authority holders is the supposed public agency, which may be established to perform administrative tasks in accordance with a special law governing public agencies: (a) if this enables a more efficient and effective performance of administrative tasks than would be the case in an administrative body, especially if the performance of administrative tasks can be fully or mainly financed by administrative fees or user payments, or (b) if, given the nature or type of tasks, permanent direct political control over the performance of tasks is not necessary or appropriate.

By law, or based on the law, other entities under public law, as well as individuals and legal entities under private law may also (besides administrative bodies) obtain public authority to perform administrative tasks. If the law allows several natural or legal persons to apply for public authorisation, selection is made through public competition. When exercising public powers, the holders have rights and duties of administration that are determined by law or other regulations.

3.4. Public service providers

One of the functions of state administration is the service function, which involves providing public goods and services. The state administration ensures the delivery of public services in accordance with the law. These services are provided (mainly) by public institutions and (public) companies, as well as other organizational forms specified by law, including administrative bodies. They provide public services (fr. service public), which can be divided into economic and non-economic public services. The EU uses a similar distinction between non-economic services of general interest and services of general economic interest. Typically, public services operate under a special legal regime that pertains to activities in the public interest, falling under the authority of state or municipal governments. Public services can be divided into different categories such as economic and non-economic, state and municipal, compulsory and optional. Economic public services are provided by the state or

municipality in the form of public economic institutions and public companies, either by granting concessions or in an overhead department when it would be uneconomical or irrational to establish a public company or grant a concession because of the small scale or characteristics of the service. They usually provide public services in sectors such as transportation, energy, infrastructure, digital society, electronic communications, and utilities. Non-economic public services, conversely, are provided in the form of public institutes, public-private partnerships, or concessions. They typically provide public services in sectors such as education, healthcare, culture, and welfare.

4. Current challenges in public administration in Slovenia

4.1. Public sector salary system (reform)

One challenge in the Slovene public sector is the salaried system. Since Slovenia's independence in 1991, steps have been undertaken to maintain and complement the centralised bargaining system over wages and other terms and conditions of employment in the public sector. Prior to the implementation of the Public Sector Salary System Act (ZSPJS),[94] public wages in Slovenia were regulated by the Salary Ratio Act of Public Institutions, State Bodies, and Local Community Bodies (ZRPJZ).[95] The ZSPJS was adopted in 2002 but was implemented in 2008, providing a single payment scale composed of 65 wage grades for all public sector employees. It specifies that wages should comprise a basic wage, additional payments, and a part related to employee performance. To date, the law has been amended (in one way or another) over thirty times. A new Law on Common Principles of the Public Sector Salary System was adopted at the end of 2024 and will be implemented at the beginning of 2025.[96] By the end of 2007, 155,000 people were employed in the public sector. Despite the financial crisis, the number of employees increased to 160,000 by the end of 2011. The number of employees in the public sector is expected to reach almost 190,000 by the end of 2022. They are employed by more than 3,000 budget users (state bodies (government, ministries, administrative units) and self-governing local communities (municipalities), public agencies, public funds, public institutes, etc.), and the total volume of wages will reach almost 5 billion EUR in 2022.[97] Universal access to quality

94 Act on the wage system in the public sector (Official Gazette of the Republic of Slovenia, No. 108/09 – official consolidated text, 13/10 , 59/10 , 85/10 , 107/10 , 35/11 – ORZSPJS49a, 27/12 – odl. US, 40/12 – ZUJF, 46/13 , 25/14 – ZFU, 50/14 , 95/14 – ZUPPJS15, 82/15 , 23/17 – ZDOdv, 67/17 , 84/18 , 204/21 and 139/22).

95 The Act on Salary Ratios in Public Institutions, State Bodies and Local Community Bodies (Official Gazette of the RS, no. 18/94 , 36/96 , 20/97 – ZDPra, 39/99 – ZMPUPR, 86/99 – odl. US, 98/99 – ZZdrS and 56/02 – ZSPJS).

96 Official Gazette of the Republic of Slovenia, No. 95/24.

97 Public sector wages portal [Online]. Available at: http://www.pportal.gov.si/ (Accessed: 15 February 2024).

services and the implementation of public services in the fields of education, healthcare, social services, etc. incur cost.

As mentioned earlier, Slovenia has a centralised bargaining regime regarding public sector wages. Collective bargaining occurs at the national and state levels. Central negotiations are attended by all representative public sector unions; here, they usually discuss common foundations and matters that apply to everyone in the public sector.[98] One of the issues with the existing public-sector wage system established in 2008 is that it cannot be called uniform. The analysis presented by the Ministry of Public Administration before the start of the last negotiations on wage reform notes, among other things, that by concluding partial agreements with individual professional groups represented by different public sector unions and introducing wage provisions into sectoral legislation, the uniform system was circumvented, leading to individual groups gaining substantially more than others. An increasing number of wage classes are below the minimum wage, and the ratio between the lowest and highest wages has dropped from 1 to 10.5 when the system was established to 1 to 4.7 at present.[99]

In addition, the age structure within the public sector favours older generations. In retrospect, this was also the result of the Public Finance Balancing Act and the constant drive to reduce employment in the public sector (especially the state administration). This situation has resulted in a shortage of young or younger people in the system, making it challenging to transfer knowledge and experience from older to younger generations. Part of the blame for this rests on the existing salary systems. The existing system was based on good starting points, such as the desire for system transparency, controllability of the system from the point of view of public finances, and equal pay for work in comparable positions, titles, and functions. One idea was that the established system would be flexible and stimulating, to ensure that wages would be more closely related to work efficiency and results. This never happened, nor did it occur within a limited scope. Partial interventions in the system triggered the feeling that some wage disparity was established in relation to other professions or wage groups. Such practices initiate a supposed domino effect, which means that when employees in a certain profession in the public sector and their requirements—for example, higher wages—are partially considered, other comparable professions will quickly follow suit. This can lead to a vicious cycle that becomes increasingly difficult to manage. The salary system in the public sector is also rigid; therefore, it is challenging to obtain deficit professions, whereas they are more generously compensated in the private sector, particularly for specialists in areas such as digitalisation and IT.

The objectives of this announced salary reform are to ensure adequate and stimulating remuneration for work, increase the efficiency of individual work in the public

98 Stanojević and Poje, 2019, pp. 545–551.

99 More data is available at: https://www.gov.si/zbirke/projekti-in-programi/prenova-placnega-sistema-v-javnem-sektorju/ (Accessed 30 March 2023).

sector, and ensure high-quality and accessible public services. To achieve these objectives, several key solutions must be implemented, including the establishment of a new salary scale and salary columns that would include comparable professions, renovation of the promotion and reward systems, renovation of the system of allowances, and so on. The new Law on Common Principles of the Public Sector Salary System will be implemented in 2025, so we need to wait for more concrete results.

4.2. Public authority dilemmas

Some authors assert that the institution of public authority also has side effects, such as challenges in coordination of the administrative system, reduced responsibility, and democratic deficit.[100]

The state, either with or through public authority, transfers or delegates a part of the official (administrative) tasks (e.g. regulation) to those that were previously regulated, including some non-governmental organizations. These presumed public authority holders regulate not only themselves but also other entities. Therefore, it enables a legal or natural person (individual), who is not an integral part of the state or local apparatus, to perform public (or administrative) tasks. Recently, there has been a shift from public to private contractual management, from supply chain management and self-regulation of some regimes to corporate social responsibility. A significant part of the norms that direct and determine global exchanges is developed within transnational and private frameworks or through hybrid arrangements with national and international public institutions. This development represents a shift in authority and power from (democratic) nation-state institutions and towards (irresponsible) transnational private regimes. In other words, there is a noticeable transition from public to private authority, and thus from public to private law, and from legislation to contracts.[101] This transition often occurs at the national level, one of its manifestations being the granting of public authority to private entities. Political control and control of the people, or democratic control of the public, are necessary in democratic societies. Otherwise, we risk quickly finding ourselves in undemocratic or authoritarian political systems. In a democratic system, the state apparatus or administration is responsible for governance, and the latter is accountable to parliament, which serves as an institution representing the people. However, this control and responsibility is reduced in the case of public authority holders.

Therefore, the legal instrument of the public authority reduces democratic control over work and the implementation of administrative tasks. The means of democratic control by the public, voters, and residents are primarily intended to control executive power and, as a rule, do not extend to the bearers of public authority. Therefore, it must be considered that administrative tasks are generally performed by the state administration, and that they can only be entrusted to a public authority if certain reasons exist, such as rationality and efficiency, the need for self-regulation, or

100 Kovač, 2007, p. 16.
101 Kjaer, 2018, p. 14.

requirements for the independent management of a certain area. However, if these reasons are met, there are no restrictions on the scope, type, or number of administrative tasks that can be entrusted to a public authority (Pirnat, 2010, p. 893).

Public authority must be an exception rather than a rule in a democratic society in which people (citizens or voters) have power. As a rule, administrative tasks must be performed by the state administration. One of the key challenges in the granting of public authority lies in balancing the need for self-regulation and independence of public authority holders on the one hand, with the imperative to exercise democratic control in the public interest on the other.

4.3. Regions, number of municipalities, and financing

At the level between the state and municipalities, the Constitution defines an additional subsystem of local self-government, namely, regions. The Constitution stipulates the establishment of regions through laws adopted by the National Assembly, requiring two-thirds of the votes of the deputies present. Additionally, the participation of municipalities must be ensured in the process. Despite several attempts, regions have yet to be established due to the lack of political consensus on their establishment.[102] With the constitutional amendments of 2006, it was determined that regions should be established by the state, but that they still do not exist. There was little genuine political interest in them, although many legal experts emphasised that it would be beneficial for everyone if they were established. In the (advisory) referendum held in 2008, regarding the areas and names of regions in Slovenia and the status of the Municipality of Ljubljana, citizens decided in favour of 13 regions. However, none of these regions exist today. Regions have been prioritised by many governments, but they remain mere dead letters in the Constitution. A (de facto) constitutional majority (two-thirds) was required to establish these regions. Although the regions are included in the Constitution, there has been no consensus on how many seats should be established and where they should be located. In terms of territory, according to some experts, Slovenia is too small a territory; the establishment of regions would mean too many levels of government in the country, and the scale of the proposed regions is too large to be internationally comparable and competitive. Meanwhile, the OECD, in a 2011 study, noted that the absence of a regional tier of government and the extreme fragmentation of the municipal level of authority indicate that Slovenia must develop capacity at intermediate levels. This would enable the country to address policy issues more effectively, as some problems are best tackled at a scale between the local and national levels. The creation of regions could facilitate a more balanced development of Slovenia and more successful integration with the regions of neighbouring countries. The Slovenian Constitution in Article 143 stipulates the establishment of regions when it says that:

102 Republic of Slovenia: Local self-government [Online]. Available at: https://www.gov.si/en/policies/state-and-society/local-self-government-and-regional-development/local-self-government/ (Accessed: 15 February 2024).

> A region is a self-governing local community that handles local matters of wider importance and matters of regional importance determined by law. Regions are established by law, which also determines their area, seat, and name. The law is adopted by the National Assembly with a two-thirds majority of the votes of the m present. The participation of municipalities must be ensured in the procedure for adopting the law. By law, the state transfers to the regions the performance of individual tasks under state competence, but it must provide them with the necessary resources for this.

The non-implementation of this decision in practice certainly indicates that the legal arrangement of local self-government without regions in Slovenia is, in some manner, disabled.

This was related to the number of municipalities in Slovenia. There are 212 municipalities operating in Slovenia, of which 12 are urban (city) municipalities. Based on the new Slovenian Constitution of 1991, 147 municipalities were established in October 1994, following the European model, which replaced 62 socio-political communities. State functions previously performed by territorially larger municipalities were transferred to administrative units, and local tasks were taken over by the new municipality authorities. Four years later, the number of municipalities increased to 192, and in 2002, it increased to 193. In 2006, the number of municipalities in the Republic of Slovenia reached 210, and the last two were founded in 2011. Amendments to the Local Self-Government Act have also made it more difficult to create new municipalities. Despite the existence of 212 municipalities with approximately two million inhabitants, the number itself is not particularly problematic. However, the municipalities differ from each other, as we have municipalities with approximately 300 inhabitants as well as those with approximately 300 thousand inhabitants. Nevertheless, they were all (more or less) required to perform the same task.

The municipal financing system in the Republic of Slovenia aligns with the European Charter of Local Self-Government, but certain aspects need improvement, such as replacing and upgrading compensation for the use of building land (NUSZ) with a real estate tax. It would also be essential to enforce more consistent financing of municipalities using their own tax and non-tax sources. The financial component of local self-government involves securing adequate financial resources for the functioning of municipalities, a crucial goal in achieving decentralisation. In doing so, it is necessary to consider the principle of financial autonomy and connectedness, which stipulates that the municipality should be financed from its own resources and that financial resources must be proportional to the scope of tasks, powers, competences, and obligations of the municipalities. The only tax on which local authorities can set the rate is property tax.[103] Therefore, more effort is needed to increase the financial autonomy of Slovenian municipalities.

103 Rakar and Klun, 2019, p. 181.

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