

The Right to Security – An Outline of the Legal Regulation at the State and Local Levels in Slovenia¹

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In this article, the right to security is discussed through the prism of its regulation within Slovenian law at the state and local levels. As the fundamental right of an individual to personal safety and security, the right to security is explicitly determined in the Slovenian Constitution and international human rights treaties ratified by the Slovenian Parliament. In addition, it is also indirectly protected with other fundamental rights in constitutional and international law, as well as with certain provisions of criminal law, minor offence law, civil law, and administrative law. In terms of implementation of these provisions, however, safety and security is ensured by institutions of the national security system and by other state authorities and self-governing local communities carrying out their tasks and powers. In this article, the constitutional and statutory powers of police and municipalities in ensuring safety and security in local communities are analysed in more detail. In particular, it explores which activities of municipalities are necessary for the proper functioning of the local legal order in terms of ensuring the right to personal security. Special attention is drawn to the regulation and sanctioning of minor offences that fall within the competences of municipal councils, warden services and inspection services. In the last part of the outline, a tabular overview of the statutes that in any way refer to ensuring safety and security in local communities is provided.

Keywords: security, the right to security, constitution, statutes, local communities

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1 Introduction

Security and safety are considered to be the fundamental elements of human existence and development. As human and social values, they have been a subject of consideration from the beginnings of human society. While, traditionally, the understanding of security was focused primarily on ensuring state and national security, this approach changed in the second half of the past century due to several political, economic, and cultural factors. In addition to the traditional concept of the *security of nation states* and its contemporary version – *international security*, the concept of *human (e.g.,*

personal) security has gradually developed. Owing to this concept, the understanding of security today is no longer exclusively connected to the state and its internal and military security, but also to other actors and aspects of security, foremost to personal security of an individual (Grizold & Bučar, 2011). Hence, a primary interest of the contemporary state and international community, which, however, often remains unrealised, has become to comprehensively ensure personal security, i.e., not only the individual's physical existence, but also his or her social well-being, the well-being of the nation and the well-being of the international community.

The modern concept of personal security thus on one hand entails personal security against violence or harm, and on the other access to basic human and social values. This includes, *inter alia*, protection against personal and structural (e.g., state and corporate) violence and crime (especially protection against various forms of terrorism and organised crime, political corruption, etc.), and protection against other natural and social phenomena that endanger personal security (e.g., protection against natural disasters, pollution, climate change, contagious diseases, poverty, deprivation and social exclusion, lack of freedom, etc.). With the development of the concept of personal security, the understanding of security was redirected from the well-being of the state and state power, to the sur-

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vival, well-being, and freedom of the individual (Bajpai, 2000; Grizold & Bučar, 2011). Vogrin, Prezelj and Bučar (2008) argue that in light of the modern understanding of security, personal security – at least at the declaratory level – has become a primary objective and ultimate point of providing security. Within the coordinates of this concept, other forms of security (i.e., national, international, military, corporate, etc.) can only be a means to attain the final objective, which is human (i.e. personal) security. More broadly speaking, the modern concept of personal security is also closely intertwined with the concept of sustainable human development.

In the second half of the 20th century, the personal security of individuals was recognised as a human right. Belonging to the first generation of civil and political rights, the right to security is expressly provided for by several international and regional human rights conventions (see below). Explaining the right to security as a fundamental human right, however, is not simple. While it is merely assumed that the concept of security is clearly understood and can be taken for granted, human rights law failed to define exactly what the concept of security is (Lazarus, 2012; Turner, 2016). In simple terms, the right to security can be described as freedom from threat, danger, vulnerability, menace, force, and attack. Behind this basic definition, however, there are many different aspects of security and the meaning of this right that is still developing and continuously contested (Hein van Kempen, 2013).

In this article, the right to (personal) security is discussed through the prism of its regulation in international human rights documents and the internal law of the Republic of Slovenia at the state and local levels. Special attention is devoted to the normative regulation of ensuring safety and providing the right to security at the local level (i.e., in the Slovenian local communities). Within the boundaries of normative and evaluative legal research, this article is concerned with the study and assessment of legal rules related to personal safety and security within international human rights documents, constitution, statutes, and other sources of law.

2 The Right to Security in International Human Rights Documents and the Internal Constitutional and Statutory Law of the Republic of Slovenia – A Brief Overview

2.1 The Right to (Personal) Security in International Human Rights Documents

As stated in the introduction, the right to security is expressly provided by several international and regional human

rights documents. Article 3 of the Universal Declaration of Human Rights (UDHR, 1948), a milestone document in the history of human rights adopted by the General Assembly of the United Nations, states: “Everyone has the right to life, liberty and security of person.” Similarly, Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR, 1966) states: “Everyone has the right to liberty and security of person.” The Charter of Fundamental Rights of the European Union (CFREU, 2000) determines in its preamble: “It [the Charter] places the individual at the heart of its [the EU] activities, by [...] creating an area of freedom, security and justice.” Additionally, article 6 of the Charter declares: “Everyone has the right to liberty and security of person.” In Article 5(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the European Convention on Human Rights [ECHR, 1950]), the right to security is expressed in similar terms and as briefly as in the Covenant and the Charter, while the rest of this extensive provision is focused on the right to liberty.

While it derives from the nature of the right to personal security that this right is also protected by other fundamental rights, the opposite also applies – other fundamental rights that are proclaimed in the international human rights documents are implicitly also protected by the right to security. Such rights include, among other, the right to life, the right to personal liberty, the right to be treated equally before the law and the prohibition of discrimination, the protection of human dignity, the right to respect for one’s physical and mental integrity, protection from torture and inhuman or degrading treatment or punishment, protection in the event of removal, expulsion or extradition, the right to asylum, the prohibition of slavery and forced labour, and the right of respect for one’s private and family life, home and communications (UDHR, 1948).

The right to personal security in the broader sense also encompasses the individual’s social security and protection against poverty, deprivation, and social exclusion, pollution of the environment, etc. As such, the right to security is protected also by the second and third generation human rights. Such rights include the right to education, freedom to choose an occupation and the right to engage in work, the right to property, the right to social security and assistance, the right to health care and a pension, worker’s rights, children’s rights and the rights of the elderly, the integration of persons with disabilities and other solidarity rights, consumer protection rights, and, last but not the least, environmental protection (UDHR, 1948).

The international instrument of human rights protection that can be singled out as the most developed and the most important is the European Convention on Human

Rights (1953), which, *inter alia*, provided a legal basis for the establishment of the European Court of Human Rights (ECtHR). The ECtHR decides on appeals of individuals and states versus other states alleging violations of the ECHR and by Protocol No. 16 to the Convention [Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms (2013)], its competences were broadened to providing advisory opinions to national courts. This entails that the importance of convention provisions and the actual content of the convention rights that follow from the case law and advisory opinions of the ECtHR. The right to security is not exempt in this regard.

In the ECtHR's case-law, protection of a person's security is primarily concerned with the right to security as a "negative right", e.g., as a safeguard from an arbitrary interference by a public authority with individuals' personal liberty (see, for example, the case of *East African Asians v. United Kingdom*). The ECtHR connects the right to security also to other provisions of the ECHR. This indicates that the ECtHR understands a violation of the right to security also as an arbitrary interference with other fundamental rights, while the opposite also applies, namely the ECtHR recognised inadmissible interferences with other convention rights as a violation of the right to security (Turner, 2016).

In the case-law of the ECtHR however, security also serves as a justification to limit other human rights.⁴ The right to freedom of expression determined in Article 10 of the ECHR (1950), for example, may be limited in the interests of national security, territorial integrity, or public safety, for the prevention of disorder or crime, and so forth, assuming such interferences are "necessary in a democratic society." According to Turner (2016), in reality and most often, national security policy and law focus on the balance between security, on the one hand, and liberty, on the other. The ECHR (1950) also provides for derogation or suspending of rights and freedoms during a public emergency threatening the life of the nation (ECHR, 1950: Article 15).

Finally, the ECHR (1959) and the ECtHR's jurisprudence also imply the positive obligation of the state to offer security to individuals against other individuals. Turner (2016) explains that in protecting individuals from violations of rights by non-state actors (e.g., killing, torture, enforced disappearance, or slavery), states, at a general level, must criminalise such abuses and actively take measures to investigate, pros-

ecute, convict, and adequately punish those found to be responsible for such violations. More concretely, according to Turner (2016), in many instances the ECtHR has drawn positive obligations from the text of the negative right itself. In the case-law of the ECtHR, the right to liberty and security of person determined by Article 5 of the ECHR (1950), for example, imposes a positive duty on the state to formulate policies and to take specific measures preventing infringements of such rights by third parties. Similarly, the concept of a positive state obligation also applies to Article 2 (the right to life), Article 3 (the prohibition of torture and inhuman and degrading treatment and punishment), Article 4 (the prohibition of slavery and servitude, including human trafficking), and Article 8 (the right to respect for private and family life, home, and correspondence). Of particular significance for the meaning and scope of the right to security, however, is Article 1 of the ECHR (1950). The provision determines the following: "The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention" (ECHR, 1950). According to Turner (2016), this provision affirms the central position of security, which is built-in to most of the rights determined by the ECHR, and consequently renders any reference to the right to security in other rights, such as in Article 5, arguably redundant.

2.2 The Right to (Personal) Security in the Slovenian Internal Law

2.2.1 Constitutional Regulation of the Right to Personal Security

Article 34 of the Constitution of the Republic of Slovenia (Ustava Republike Slovenije [URS], 1991) determines that everyone has the right to personal dignity and safety. This applies equally to the constitutional regulation in Slovenia as to the regulation contained in the ECHR (1950), namely, the individual's right to personal security is – although not explicitly – protected also by other constitutional provisions and fundamental rights. It is protected, among other, by the constitutional principles of the rule of law, legality, equality before the law, and the prohibition of discrimination before a court and before other state authorities, and local community authorities and bearers. Also, it is protected by the provision that ensures equal protection of rights in any proceedings of public authority that decide on an individual's rights, duties, or legal interests (Articles 2, 14, 22, and 28). Furthermore, the right to security is protected by Article 5, which in general determines that in its own territory the Republic of Slovenia protects human rights and fundamental freedoms. It is also protected by the inviolability of human life (Article 17), the prohibition of torture or inhuman or degrading punishment or treatment, which also prohibits medical or other scientific

⁴ Numerous individual human rights guaranteed either by international, regional, or domestic instruments can be infringed by the state for legitimate purposes, one of which is the safeguarding of security (Turner, 2016).

experiments on any person without his or her free consent (Article 18), and by Article 19, which determines that no one may be deprived of liberty except in such cases and pursuant to such procedures as are provided by law. It is furthermore protected by Article 20, which determines conditions for ordering detention and limits the duration of detention, by Article 21, which guarantees respect for human personality and dignity in criminal and all other legal proceedings, as well as during the deprivation of liberty and the enforcement of punitive sanctions, by the constitutional provisions that guarantee the inviolability of the physical and mental integrity of every person and his or her privacy and personality rights (e.g., the inviolability of dwellings, protection of the privacy of correspondence, and protection of personal data), and finally by Article 47, which prohibits the extradition or surrendering of citizens of Slovenia, and Article 48, which, under certain conditions within the limits of the law, recognises the right of asylum to foreign nationals and stateless persons (URS, 1991).

In cases in which the individual's personal security and integrity were unlawfully interfered with and as a consequence he or she suffered material or non-material damage, the provisions of Articles 15, 24, and 30 of the Constitution are also important. Pursuant to these provisions, judicial protection of human rights and fundamental freedoms, and the right to obtain redress for the violation of such rights and freedoms, are guaranteed. Everyone has the right to compensation for damage caused through unlawful actions in connection with the performance of any function or other activity by a person or authority performing such function or activity within a state or local community authority, or as a bearer of public authority. Any person unjustly convicted of a criminal offence or deprived of his or her liberty without due cause has the right to rehabilitation and compensation (URS, 1991).

The right to personal security in a broader sense, which encompasses the individual's social and economic security, is guaranteed by the constitutional principle of a social state, by the right to private property and inheritance (ownership rights to real estate may be revoked or limited in the public interest with the provision of compensation under conditions established by law), free enterprise, the provisions prohibiting forced labour and ensuring access under equal conditions to any position of employment, and the freedom to choose one's employment. The right to personal security is furthermore guaranteed by the right to social security, including the right to a pension (citizens have the right to health, pension, disability, and other social insurance), by the provisions on the rights and statutory protection of war veterans and victims of war, disabled persons, and children (also physically or mentally handicapped children), marriage and the family, the right to education and schooling (the state shall create oppor-

tunities for citizens to obtain a proper education), and by the provisions on the security of employment (the state shall create opportunities for employment and work, and shall ensure the protection of both by law) (URS, 1991).

In order to guarantee the right to personal security, constitutional provisions on the limitation and restriction of human rights and fundamental freedoms (Articles 15 and 16) are also important. Human rights and fundamental freedoms provided by the Slovenian Constitution may only be limited by the rights of others and in such cases as are provided by the Constitution. Exceptionally, they may be temporarily suspended or restricted during a war and state of emergency (URS, 1991). Here it must be underlined that constitutional rights that protect the elementary personal security of individuals (e.g., the inviolability of human life, the prohibition of torture, the protection of human personality and dignity) may not be temporarily suspended or restricted. On the other hand, however, in Slovenian constitutional law security may entail, similarly as in international human rights law, a reason for the limitation of other fundamental rights. For example, a person reasonably suspected of having committed a criminal offence may be detained only on the basis of a court order when this is absolutely necessary for the course of criminal proceedings or for reasons of public safety (at the statutory level, this constitutional provision is concretised by the risk of reoffending as a reason for detention). Similarly, these rights can be established regarding freedom of movement, freedom to choose one's place of residence freely, to leave the country, and to return at any time. Pursuant to Article 32 of the Constitution, such may be limited at the statutory level, *inter alia*, in cases in which this is necessary for safety reasons, i.e. to ensure the course of criminal proceedings, to prevent the spread of infectious diseases, to protect public order, or if the defence of the state so demands (URS, 1991).

2.2.2 Statutory Protection of the Right to Personal Security

The Constitution primarily protects the individual's personal security in relation to (state) power. In accordance with the principle of the positive obligation of the state and the *drittwirkung* doctrine⁵, however, it also protects everyone's personal security in relation to other individuals, legal entities, and anyone in general. In accordance with the mentioned doctrine, the legislature must ensure effective protection of

⁵ This doctrine refers to the effects of fundamental rights of one private party for another private party (the German expression *Drittwirkung* means, in literal translation, 'third party effect'). In other words, fundamental rights have *Drittwirkung* if and when they give rise to legal effects not only for state agencies but also for individuals and other private parties such as private corporations or other non-state-actors.

personal security (and other fundamental rights) with the provisions of criminal law, minor offence law, civil law, and administrative law at the horizontal level, i.e. in relations between individuals as well as individuals and legal entities.

Criminal law protection of the right to personal security includes the incrimination of actions that in any way endanger an individual's personal security in both the narrower and broader senses of endangerment. In Slovenia, such criminal offences can be found in virtually every chapter in which criminal offences are prescribed in the Criminal Code (Kazenski zakonik [KZ-1], 2012). For example, in the chapters prescribing criminal offences against humanity, life and limb, health, sexual integrity, honour and reputation, the general security of people and property, public traffic safety, the environment, space, and natural resources, marriage, family and children, employment relationships and social security, property, the economy, legal transactions, the sovereignty of the Republic of Slovenia, the democratic arrangement of its constitutional order, and the defence of the state (KZ-1, 2012).

Criminal law protection of the right to personal security is also implemented by the provisions of criminal procedural law (e.g. the provisions on police custody and detention and other measures for ensuring the defendant's presence) and criminal enforcement law (e.g., the provisions on the manner of enforcement of a prison sentence, the prison regime, the duties and rights of prisoners and persons in detention, etc.). What rights apply for considerations of criminal law also apply for minor offence law – the right to personal security is primarily implemented by means of the regulation of minor offences that entail a threat to the personal security of individuals and their goods (e.g., minor traffic offences, minor offences against public order) and by imposing sanctions for such offences.

In the Slovenian law, as mentioned above, also civil law protection of the right to personal security is ensured. Such protection is, at the fundamental level, ensured through the constitutional provisions that were listed above, and at the statutory level, *inter alia*, through the fundamental and other provisions and principles of the Obligations Code (Obligacijski zakonik [OZ], 2001). Such provisions include, for example, the general prohibition on inflicting damage, the provisions on culpable and objective liability for inflicting (non)material damage, the provision pursuant to which any person may request that another person eliminate a source of danger that threatens to cause major damage to him or her or an indeterminate number of persons, the provision pursuant to which the state or the person shall be liable for damages caused by death or physical injury as a result of acts of terrorism or during public demonstrations and events, the provision pursuant

to which the holder of a dangerous animal is liable for damage inflicted thereby, the provisions on the liability of a person in possession of a building or area, and the provisions on liability due to the omission of emergency aid (OZ, 2001).

2.3 A Quick View of the Right to (Personal) Security through the Prism of the National Security System of the Republic of Slovenia

In order to ensure national security, the National Assembly of the Republic of Slovenia adopted the Resolution on the National Security Strategy of the Republic of Slovenia (Resolucija o strategiji nacionalne varnosti Republike Slovenije [ReSNV-1], 2010) and established a system that encompasses its defence system, internal security system, and the system for protection against natural and other disasters. In addition, there are external, economic, informational, and other activities in place that directly affect national security.

The Slovenian Armed Forces and non-military entities related to them are responsible for the defence system. They create and implement defence policies and ensure the conditions for the functioning of the entire defence system. This internal security is ensured through cooperation of public security institutions, the police, state prosecutor's offices, inspection and supervisory bodies, intelligence and security services, other state authorities and organisations having public authority, local community authorities (i.e., municipal and inter-municipal warden services), and security services and other private law organisations in the field of ensuring security. In ensuring public safety, there exists established cooperation with organisations, associations, and initiatives of citizens and local communities, as well as with various public-private partnerships. The system for protection against natural and other disasters is intended for ensuring the protection of people, animals, property, cultural heritage, and the environment against natural and other disasters (the consequences of war, the use of weapons or means of mass destruction, the consequences of terroristic attacks, and other forms of mass violence are deemed disasters) (ReSNV-1, 2010).

In addition to "national security", individual actors of the national security system are also obliged to ensure individuals' personal security within their statutorily determined authority. The latter especially applies to the police and other bearers of public authority in the field of ensuring internal security. The Police Tasks and Powers Act (Zakon o nalogah in pooblastilih policije [ZNPPo], 2013), for example, determines that the fundamental duty of the police is to ensure the security of individuals and the community as a whole, and to respect human rights and fundamental freedoms and strengthen Slovenia as a state governed by the rule of law. The

police carry out their tasks and powers with the purpose of preventing and eliminating threats that endanger the above-mentioned values. The tasks of the police that derive from their fundamental duties are the protection of life, personal security, and property; the prevention, detection, and investigation of criminal offences and minor offences; the detection and apprehension of perpetrators of criminal offences and perpetrators of minor offences; the maintenance of public order; supervision of traffic control; conducting state border control; tasks connected to the movement and residence of foreigners; protection of certain individuals, premises, buildings and the environs of such buildings; the protection of the classified data of state authorities, tasks in the event of natural and other disasters; and certain other tasks. In carrying out their tasks, the police cooperate with individuals and the community in order to carry out preventive activities (ZNPPol, 2013). In addition to the ZNPPol (2013), the tasks of the police are also regulated by the Organisation and Work of the Police Act (Zakon o organiziranosti in delu v policiji [ZODPol], 2013).⁶ The tasks, measures, and procedures which the police carry out as a body of criminal prosecution are determined by the Criminal Procedure Act (Zakon o kazenskem postopku [ZKP], 1994), while the tasks of the police connected to conducting minor offence proceedings are determined by the Minor Offences Act (Zakon o prekrških [ZP-1], 2011). Furthermore, other important instruments regulating police operations include the Protection of Public Order Act (Zakon o varstvu javnega reda in miru [ZJRM-1], 2006), acts regulating road traffic, and numerous other acts and certain executing and autonomous regulations.

3 An Overview of the Legal Regulation of Ensuring Security in Local Communities

In the third and most extensive section of this outline, attention will be devoted to the legal regulation of ensuring safety and providing the right to personal security at the local level. The constitutional and statutory powers of police and municipalities in ensuring safety and security in local communities are analysed in more detail. Particularly, this section outlines for which activities are municipalities responsible for the proper functioning of the local legal order in its relationship to security. Special attention is devoted to the regulation and sanctioning of minor offences that fall within the competences of municipal councils, warden services and inspection services. In the last part of this section, a tabular overview of the statutes that in any way refer to ensuring security in local communities is provided.

⁶ In 2013, the above-mentioned acts replaced the Police Act (Zakon o policiji [Zpol], 1998) formerly in force.

Also at the local level, security is an inclusive public good and a human right that must be accessible to all residents of local communities. The constitutional framework for ensuring security in local communities⁷ in Slovenia also includes, in addition to the fundamental provisions that refer to the right of every individual to personal security (see above), certain provisions placed in the chapter on the Organisation of the State and Self-government. These provisions regulate at the fundamental (i.e., constitutional) level the organisation, tasks, and powers of bodies and subjects that ensure security not only at the state level but also in local communities (URS, 1991). Structure, tasks and powers of these bodies are regulated in more detail by sectoral laws.

The duty to ensure safety and security in local communities is given to the police and municipalities. While police activities are carried out within local police stations, police precincts, and police offices, in local communities the tasks regarding the power to ensure security are the responsibility of municipal bodies, i.e. the mayor, municipal (and inter-municipal) warden services, and municipal inspection services. Following the implementation of the Municipal Warden Service Act (Zakon o občinskem redarstvu [ZORed], 2006), local authorities have become increasingly more active partners of police and other state authorities that carry out tasks in the field of public safety and order at the local level (Modic, Lobnikar, & Dvojmoč, 2014). The organisation and tasks of both key actors in ensuring security in local communities will be presented in more detail below.

3.1 The Police as the Primary Body for ensuring Security at the Local Level

Police activities at the local level are, as mentioned above, carried out within local police stations, police precincts, and police offices. The areas covered by police stations are coordinated with municipal boundaries so that one police station carries out police tasks in the entire area of one or several municipalities, or so that in the area of one municipality, police tasks are carried out by several police stations (ZODPol, 2013).⁸ The area of one or more municipalities composes a po-

⁷ Slovenia has a one-level organisation of local self-government with municipalities as the basic form of local communities. Within the framework of the Constitution and statutes, municipalities independently regulate and execute their powers and carry out tasks transferred to them by statutes (Local Self-Government Act – Zakon o lokalni samoupravi [ZLS], 2007).

⁸ Regardless of the above-mentioned, police stations are not bound by the geographical area of a municipality. A local police station is an organisational unit of the police established in order to directly carry out police tasks within a designated area or in a specific area of work. Thereby there is no differentiation in the status of police

lice precinct that is headed by the head of the police precinct. Police offices entail a special method of police work. This refers to a work area reserved for police work that is primarily intended for advisory activities, the receipt of notifications, the collection of information, and other duties not connected to emergency police measures.⁹

A local police station carries out its tasks in accordance with the annual plan of operations. The annual plan of operations must be drafted pursuant to the objectives of the General Police Directorate and the police directorate in the area of which the local police station operates. Before it prepares an annual plan, the local police station invites the municipalities in the area in which it carries out its tasks to submit proposals for priority tasks to ensure security. The local police station examines these proposals and, following the assessment thereof, includes them in the annual plan. The commander of the local police station, if necessary, keeps the municipal council informed of the security situation in the area of the municipality in question; he or she may not, however, report on specific cases involving pre-trial criminal or minor offence proceedings still pending. There are also groups (e.g., border control and state border surveillance groups) organised within individual police stations. Such groups are not groups in the sense of being an institution with management, administration, and technical infrastructure, but are only internal organisational structures within individual local police stations with common management and technical infrastructure (ZODPol, 2013).

In the Organisation and Work of the Police Act (ZODPol, 2013) the importance of the cooperation of the police with local communities is underlined. Police directorates and local police stations, within their competencies, cooperate with the bodies of self-governing local communities in the fields relating to the improvement of security within self-governing local communities. Police directorates and local police stations also cooperate with other bodies, organisations, institutions, civil society, and private persons whose activities are aimed at ensuring greater security and promoting this security through the self-organisation of the population. In order to promote cooperation between various stakeholders, the Organisation and Work of the Police Act (ZODPol, 2013) determines that police directorates, local police stations, and local communities, civil society, interest groups, and other organisations and institutions, by common con-

sent, establish councils, co-councils, advisory committees, commissions, or any other form of partnership cooperation mutually agreed upon to ensure greater security. Pursuant to Article 29 of the Local Self-Government Act (ZLS, 2007), the formal founder of these types of partnerships is the mayor of a municipality.

Two important forms of partnership cooperation between the police and municipalities to ensure greater security are local safety councils and security co-councils. Before 1991, when Slovenia was a republic of the Socialist Federal Republic of Yugoslavia, safety councils were situated in every local community. With the independence of Slovenia in 1991, however, all such councils were abolished. They were reintroduced in 1997 and since then more than 100 local safety councils have been established, as an outcome of the development of local safety and security efforts based on ideas of making local communities responsible for setting priorities in safety/security policy, prevention of everyday criminal offences and public disorder (Meško & Lobnikar, 2005). Another form of partnership cooperation are security co-councils. Their fundamental task is to bring together, coordinate, and direct bodies, organisations, and other professional stakeholders that deal with security issues, as well as other subjects that can in any way affect the quality of the culture of security in the local community. The members of the security co-council actively participate in the work of the consulting body, give initiatives and suggestions for resolving security issues, carry out tasks that they have voluntarily undertaken, act so as to benefit general safety, and must not misuse their membership for their own interests or the interests of the body or organisation that they represent. Their primary task is to establish communication between the residents of the municipality and the security co-council in the sense of a mutual exchange of information and consequently to improve the security situation in the municipality. There are 182 local security co-councils in the municipalities of Slovenia. Members of local security co-councils are representatives of public and private services, i.e. police officers, municipal wardens, mayors, members of municipal councils, representatives of schools, local legal entities, media, political parties, and non-governmental organisations (Lobnikar, Sotlar, & Meško, 2013).

3.2 The Tasks and Powers of Municipalities in Ensuring Security in Local Communities

In addition to the police, municipalities are responsible also for ensuring safety and providing the right to personal security in local communities. The original normative regulation of affairs of local importance in the field of ensuring safety and security is in the hands of municipal and city

stations established to carry out tasks in a general area of work or in specific areas of work. Police stations were established in places where the security, geographical, or other circumstances so required.

⁹ A typical example of the location of a police office is a ski resort.

councils, while enforcement and security tasks fall within the competence of mayors and municipal administrations, which, *inter alia*, include *municipal (or inter-municipal) warden services* and *municipal inspections*. The field of the work, tasks, and powers of municipal and city warden services as well as the responsibilities of municipalities and mayors in ensuring security are regulated in more detail in the Municipal Warden Service Act (ZORed, 2006) and the Local Self-Government Act (ZLS, 2007). Article 21 of the latter determines local affairs of public importance (i.e., the original tasks of the municipality) that may be determined by general acts of the municipality (i.e., municipal ordinances). The following original tasks of a municipality are connected with general local security:

- ensuring the *protection* of air, soil, water resources, protection against noise, the collection and disposal of waste, and carrying out other activities connected with protection of the environment;
- ensuring basic *care* for children and family, for persons at social risk, disabled persons, and the elderly;
- ensuring *secure* construction, maintenance, *secure* maintenance of local public roads, public paths, and recreational and other public spaces;
- carrying out tasks of municipal warden services, organising municipal utility and warden services, and ensuring *security and order* in the municipality;
- carrying out *security-related* supervision at local events;
- ensuring fire *protection* and organising rescue services;
- ensuring *safe* organisation of aid and rescue in the event of natural and other disasters.

Municipalities must also determine, as an original task, minor offences and fines for the violation of minor offences by which security (and other) municipal regulations are violated. If the law does not determine otherwise, a municipality must also carry out inspection of the implementation of municipal regulations and other regulations by which it oversees affairs within its competences. In recent years there has been decentralisation in this area, i.e. there has been a transfer of powers from the state administration level to local community level. Such was made possible by the amendment of Article 121 of the Constitution (URS, 1991), which transferred tasks of the state administration also to other administrative bodies and local community bodies (Vlaj, 2010).

3.2.1 Legislative Power of Municipalities in the Field of Security: Prescribing Minor Offences

In accordance with the regulations in force in Slovenia, a minor offence is an act that entails a violation of a law, a Government decree, or an ordinance of a self-governing local community that is determined to constitute a minor offence

and for which a sanction is prescribed (ZP-1, 2011: Article 6). In the Republic of Slovenia, minor offence law is a part of the punitive legal system; within the field of their original tasks, it vests municipalities with the power to prescribe minor offences by ordinances and to impose sanctions for such.

Pursuant to Article 140 of the Constitution (URS, 1991), the competences of a municipality comprise local affairs that may be regulated by the municipality autonomously and that only affect the residents of the municipality. From Article 21 of the Local Self-Government Act (ZLS, 2007) it follows that in this respect two types of original tasks of municipalities must be differentiated (Cijan & Grafenauer, 2002):

- tasks that municipalities themselves determine by a general act for which they do not need an explicit statutory basis, as the determination of such is based directly on the Constitution; and
- tasks that are as such determined by individual statutes and for which an explicit statutory basis for their further regulation is required.

By municipal ordinances, municipal councils in a general manner establish municipal administration bodies and determine their internal organisation and area of work, establish organisations in the field of carrying out public service, and in other ways regulate affairs that fall within their jurisdiction. On the basis of the Minor Offences Act (ZP-1, 2011), a municipality, as mentioned above, may prescribe a minor offence and the fine that is imposed for the violation thereof. With reference to such, the Act imposes three limitations (Selinšek, 2003):

- 1) by a municipal ordinance, a municipality may only prescribe minor offences for violations of the regulations that the municipality itself issued within the limits of its competences;
- 2) if a law or a decree already imposes sanctions for conduct that entails a minor offence, a municipality may not again determine such conduct as a minor offence;
- 3) as a sanction for a violation of its regulations, a municipality may only prescribe a fine either within a specific range or for a specific amount in accordance with the law.

The first limitation is based on the local (i.e., territorial) limitation of the applicability of municipal ordinances. Such limitation follows from the already mentioned provisions of the Constitution and the Local Self-Government Act (ZLS, 2007) and from the Minor Offences Act (ZP-1, 2011), which determines that minor offences prescribed by ordinances and sanctions for such are applicable only in the territory of the self-governing local community that determined them.

Furthermore, a municipal ordinance may not determine as a minor offence a violation for which a sanction has already

been prescribed by a decree adopted by the Government or a law adopted by the Parliament. A decree and a law are legal acts with broader (territorial) applicability than a municipal ordinance. It would not be reasonable to repeat in a municipal ordinance a description of a minor offence already determined in a law or a decree; any amendment of hierarchically higher legal acts with lower acts that apply only in one part of the country are legally not admissible (this holds true especially for cases in which, for example, a municipal ordinance imposes a higher fine than a law for the same minor offence). This also follows from the fact that the legal basis for executive general legal acts (e.g. decrees, ordinances) is provided by a law; sometimes such authorisation is determined already in the Constitution (Igličar, 1994).

Finally, only a fine prescribed within a specific range may be prescribed by a municipal ordinance adopted by a self-governing local community. Such a fine may be: from EUR 40 to EUR 1,250 for an individual; from EUR 100 to EUR 30,000 for a sole trader or self-employed person; from EUR 100 to EUR 75,000 for a legal entity (from EUR 250 to EUR 125,000 if, according to the act governing companies, the legal entity is considered a medium- or large-sized company); from EUR 40 to EUR 2,500 for the responsible person of a legal entity or for the responsible person of a sole trader or self-employed person, or for the responsible person of a self-governing local community. A fine may also be prescribed in a specific amount in accordance with the law.

With reference to such, attention must be drawn to the principle of legality in cases in which minor offences are prescribed by municipalities. The principle of legality in cases of minor offences is binding, not only on the legislature and on bodies issuing decrees, but also on municipalities as regulatory bodies (Čas et al., 2018). When prescribing minor offences and sanctions for these violations, municipalities must strictly observe the standards encompassed in this principle. The principle of legality in prescribing minor offences has four dimensions that must be strictly observed (Selinšek, 2003), namely the following:

- *lex scripta* – minor offences may only be determined by a law, a Government decree, or an ordinance of a self-governing local community;
- *lex stricta* – descriptions of minor offences must be clear and unambiguous;
- *lex certa* – minor offences must be clearly determined in a regulation. Minor offence decisions must be such that they can be subsequently verified on the basis of and with the application of the regulation by which the minor offence was determined;
- *lex praveia* – prohibition of the retroactive effect of a regulation that determines minor offences.

A municipality may not determine a minor offence by any other legal act than an ordinance. Determining a minor offence by a decision of the municipal council or in its rules of internal operation is unlawful and minor offence authorities are not allowed to apply such a provision. If such provision is applied, the decision of the minor offence authority based on such provision should be annulled *ex officio* by the appellate authority.

It is of essential importance for the correct application of a municipal ordinance that determines a minor offence that the description of the minor offence be clear and unambiguous (Selinšek, 2003). It thus must clearly follow from the description of the minor offence which violation of a municipal ordinance is criminalised therewith and to what extent. If in a municipal ordinance the facts of a minor offence are descriptive and not defined only with reference to certain provisions of the municipal ordinance, such description should be short, concise, and clear. A municipal ordinance must be accessible in an appropriate manner; individuals must be provided sufficient data on the legal norms applicable in a certain case.

Regardless of the fact that the power to prescribe minor offences is an important instrument for ensuring security in local communities, this legislative power determined by law is not entirely undisputed in the literature in the field of law. It was underlined years ago that with reference to minor offences the fact that such can be prescribed also by executive regulations and is, therefore, problematic (Jakulin, 2002). This particularly applies for minor offences that are prescribed by municipalities on the basis of the power vested in them by Article 21 of the Local Self-Government Act (ZLS, 2007). Municipal ordinances are namely published in various gazettes that are often inaccessible to individuals.

Considering the small size of Slovenia, the great number of municipalities, and problematic access to municipal regulations that prescribe minor offences could entail that in a large number of cases it could be concluded that the offender committed a minor offence without knowing that such conduct is unlawful. Such a conduct would constitute a justified mistake of law: on the basis of Article 8 of the Minor Offences Act (ZP-1, 2011) in connection with Article 21 of the Criminal Code (KZ-1, 2012) an offender cannot be held liable for a minor offence deemed to be a justified mistake of law (Selinšek, 2003).

A further criticism of municipalities in the literature and practice in the field of law is that municipalities impose sanctions for minor offences mostly for fiscal reasons, i.e. in order to strengthen municipal budgets, and not to ensure the security of people, which should be the primary purpose in this

regard. If in individual cases such allegations are proven to be true, doubt is cast on the legitimacy and legality of municipal operations in the field of minor offences (Meško & Lobnikar, 2016). An example of a violation of the principle of legitimacy in prescribing minor offences in municipalities was the attempt to enforce an unlawful public-private partnership contract in 2012 to install speed radar devices in Maribor, pursuant to which the cost of installing the devices was to be paid from future fines for traffic offences.

3.2.3 Imposing Sanctions for Minor Offences: (Inter)municipal Warden Services and Municipal Inspection Services as Minor Offence Bodies in the Field of Ensuring Safety and Providing the Right to Personal Security

In addition to administrative and other state authorities as bearers of public authority, in minor offence proceedings local community bodies that are authorised by special regulations to decide on minor offences also decide on such. Municipal bodies may impose sanctions on offenders for committing minor offences determined by either municipal ordinances or statutes. Municipal bodies that have the power to impose sanctions for minor offences are:

- a) the municipal inspection service, and
- b) the municipal and inter-municipal warden service.

Ad 1) Inspection is one of the original tasks of self-governing local communities, within the framework of which they control the enforcement of local ordinances and state regulations in cases in which they are authorised for such. Inspection is carried out within inspection procedures that are administrative procedures for determining whether regulations have been violated and whether, in the event a violation is established, a decision or other act remedying the violation shall be issued (Tičar, Doljak, & Rakar, 2016).

The powers, rights, and duties of municipal inspectors in carrying out inspections are regulated by the Inspection Act (Zakon o inšpekcijskem nadzoru [ZIN], 2007), which in Chapter 5 determines the powers of inspectors. Municipal inspection services may also be organised as inter-municipal inspection services and conduct inspection for several municipalities. If municipal inspectors encounter physical resistance while conducting an inspection, or expect to encounter such resistance, they may request police assistance. Police officers provide assistance to inspectors in accordance with the provisions of the law governing the police.

Ad 2) In addition to municipal inspection services, municipal warden services are equally important municipal bodies in the field of ensuring security in local communi-

ties. The tasks of municipal warden services and their scope of operations are determined by the Municipal Warden Service Act (ZORed, 2006) and by municipal ordinances issued on the basis of Article 2 of the above-mentioned Act. Several municipalities may establish inter-municipal warden services as bodies of joint municipal administration, which are established in the same manner as other municipal warden services by at least two municipalities by an ordinance (Dvojmoč, 2017).

If a municipality does not establish a municipal warden service or does not establish such a service together with other municipalities, it must determine a minor offence authority with the power to decide on minor offences falling within the field of operation of municipal warden services, as determined by Article 4 of the Municipal Warden Service Act (ZORed, 2006). Pursuant to this act, and in the event of criminal offences pursuant to the Criminal Code (KZ-1, 2012), municipal wardens and heads of municipal warden services are officials of the duly authorised authority, while a municipal warden service is a minor offence authority (ZORed, 2006).

This section concludes with a tabular overview of 39 statutes in force that are relevant in the field of ensuring safety and providing the right to personal security in local communities (see appendix). The table summarises the most important provisions of the statutes, which in any way refer to ensuring safety and security in municipalities.

4 Conclusion

The status of the right to security in the Slovenian law is somehow paradoxical. In most important legal documents, such as international human rights conventions and the Constitution, the right to security is merely mentioned but not defined in substance. Nevertheless, the right to security as a fundamental human right and value extends itself to all segments and at all levels of the legal order, including the local (e.g. municipal) level. While the legal protection of the right to (personal) security is established in the fields of criminal law, minor offence law, civil law, and administrative law, security is ensured by the institutions of the national security system and other authorities at the state and local levels whilst carrying out their tasks and powers.

In this article, attention has been drawn to the legal regulation of ensuring safety and providing the right to personal security at the local level (e.g., in self-governing local communities). We have focused on the activities of the police and municipalities that are necessary for the proper functioning of

the local legal order in the field of security. The overview has showed that the police remain the primary body for ensuring security at the local level. More recently, however, the tasks regarding and power to ensure security have become also the responsibility of municipal bodies, i.e., the mayor, municipal (and inter-municipal) warden services, and municipal inspection services. Indeed, following the implementation of the Municipal Warden Service Act (ZORed, 2006), local authorities have become increasingly more active partners of police and other state authorities that carry out tasks in the field of public safety and security at the local level.

There are 39 statutes in force that are relevant in the field of ensuring safety and providing the right to personal security in local communities. Municipalities are responsible for ensuring the protection of air, soil and water resources, the collection and disposal of waste, and carrying out other activities connected with protection of the environment. The powers and tasks of municipalities extend also to protecting against noise and ensuring security and order in the municipality, ensuring secure construction, maintenance of secure local public roads, public paths, and recreational and other public spaces, organising municipal utility and warden services, carrying out security-related supervision at local events, ensuring fire protection and organising rescue services. Last but not the least, municipalities should ensure basic care for children and family, for persons at social risk, disabled persons, and the elderly. While the original normative regulation of affairs of local importance in the field of ensuring security is in the hands of municipal and city councils, the enforcement of the laws and security tasks fall within the competence of mayors and municipal administrations.

Among the tools for providing safety and security that fall within the competences of municipal councils, municipal warden services and inspection services, is, *inter alia*, the regulation and sanctioning of minor offences. On the basis of the Minor Offences Act (ZP-1, 2011), a municipality may prescribe a minor offence and the fine that is imposed if/when such an offence has been committed only for violations of the regulations that the municipality itself issued within the limits of its competences. When prescribing minor offences and imposing sanctions, municipalities must strictly observe the standards encompassed in the principle of legality (i.e., a municipal ordinance may not determine as a minor offence a violation for which a sanction has already been prescribed by a decree adopted by the Government or a law adopted by the Parliament).

Regardless of the fact that the power to prescribe minor offences is an important instrument for ensuring security in local communities, this legislative power is not entirely undisputed. There are critical voices arguing that municipalities

impose sanctions for minor offences in order to strengthen municipal budgets, and not to ensure the security of people, which should be the primary purpose in this regard. If in individual cases such allegations are proven to be true, doubt is cast on the legitimacy and legality of municipal operations in the field of minor offences. This doubt notwithstanding, not only at the state level, at the local level too security should remain an inclusive public good and a human right that must be accessible to all residents of local communities.

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Appendix: **Overview of the powers of municipalities in the field of security** (source: Catalogue of powers of municipalities, 2015)

LAW IN FORCE	ARTICLE	THE FIELDS OF ENSURING SECURITY THAT FALL WITHIN THE LEGISLATIVE AND ENFORCEMENT POWERS OF MUNICIPALITIES
The Capital City of the Republic of Slovenia Act	Article 6	The protection of the environment, spatial planning and the use of space, public safety, traffic safety, and the safety of city traffic.
The Roma Community in the Republic of Slovenia Act	Article 5	The spatial planning system regarding Roma settlements. The Government may itself take decisions and other necessary measures to settle conditions in cases where the lack of legal status and urban services in Roma settlements in a self-governing local community result in serious threats to health, the long-term disturbance of the public order and peace, or in a lasting threat to the environment.
The Organisation and Work of the Police Act	Article 27 Article 35 Article 36	The areas covered by police stations shall be coordinated with municipal boundaries so that one police station carries out police tasks in the entire area of one or several municipalities, or so that in the area of one municipality police tasks are carried out by several police stations. The commander of a local police station shall, if necessary, keep the municipal council informed of the security situation in the area of the municipality in question. The commander of a local police station may not report on specific cases involving pre-trial criminal or minor offence proceedings still pending. Police directorates and local police stations shall, within the sphere of their competences, cooperate with bodies of self-governing local communities in the fields relating to the improvement of security in self-governing local communities. Police directorates and local police stations, and the bodies, organisations, and institutions referred to in the first and second paragraphs of this Article shall, by common consent, establish councils, advisory committees, commissions or any other forms of partnership cooperation mutually agreed upon to ensure greater security. Their instrument of association shall lay down the field, area, and method of their operation. For the purpose of ensuring greater security, the police shall cooperate with public authorities, self-governing local communities, legal entities, sole proprietors, foreign security authorities, self-employed persons, and other bodies and organisations.
The Defence Act	Article 74	The bodies of self-governing local communities shall be under the obligation to assist in the preparation and organisation of production and services in wartime.
The Protection against Drowning Act	Article 2 Article 8	The state, self-governing local communities, companies, institutions, and other organisations and natural persons shall ensure protection against drowning in accordance with the law. Self-governing local communities are vested with the competence to prescribe special measures for ensuring protection against drowning, and to plan, organise, carry out, and co-finance measures for ensuring protection against drowning. A competent body of the self-governing local community may allow walking, ice-skating, or other activities on ice only when the ice-covered water surface is safe. The safety of an ice-covered surface shall be established by a legal entity or a natural person that is authorised to do so by a self-governing local community. Taking into consideration the geographical, settlement-related, weather, technical, and other circumstances, a self-governing local community may prescribe special measures for ensuring protection against drowning in settlements and outside settlements on water land or land that is situated near water land, however, such measures shall not be contrary to the prescribed general measures. Regardless of the preceding paragraph, a self-governing local community shall prohibit or limit sports or leisure activities in parts of water where there is an increased danger of drowning.
The Municipal Warden Services Act	Article 3 Article 6	In accordance with the regulations referred to in the preceding paragraph and the municipal security programme referred to in Article 6 of this Act, municipal warden services shall ensure public safety and public order in the territory of a municipality. Upon the proposal of the mayor, the municipal council shall adopt a municipal security programme detailing the type and scope of municipal warden service tasks, taking into consideration an assessment of the security situation in the municipality.

The Election and Referendum Campaign Act	Article 11	After the period referred to in the preceding paragraph expires, the local community inspection service or local community police shall order the removal of posters at the expense of the election campaign organiser and impose a fine in accordance with Article 33 hereof. An appeal against a decision on the removal of posters shall not stay its execution.
The Public Interest in Youth Sector Act	Article 27	Self-governing local communities shall implement youth policy at a local level in accordance with their own interests, needs, capabilities and circumstances, such as the number and structure of inhabitants, their economic power, and their spatial and personnel capacities in the youth sector.
The Public Assembly Act	Article 44	A local community may, by its own regulations, determine areas where the spontaneous street performances referred to in point 6 of Article 5 are permitted and the time in which they may be conducted, as well as the admissibility and manner in which sound amplification equipment may be used.
The Inspection Act	Article 37	The Republic of Slovenia or a self-governing local community shall be liable for financial damage suffered by a person liable or other person due to an inspector's unlawful action or omission during the performance of inspection duties.
The Housing Act	Article 87	In every invitation to apply for the allocation of non-profit housing for rent, municipalities, the state, the public housing fund, or non-profit housing organisations shall determine who the entitled applicants are in the individual invitation to apply with regard to the ratio between the income of the applicant and his or her immediate family members and the average net salary in the country, whereby the municipality or public housing fund shall ensure balanced access to non-profit housing to all categories of applicants regarding their social status as determined by the rules.
The Domestic Violence Prevention Act	Article 1	This Act defines the concept of domestic violence, the role and tasks of state authorities, bearers of public authority, public service providers, and self-governing local community bodies, and non-governmental organisations in dealing with domestic violence, and lays down the measures for protecting victims of domestic violence.
The Witness Protection Act	Article 19	State authorities, bearers of public authority, bodies, and self-governing local community services shall, on the basis of a written order of the president of the commission, implement everything that is necessary in order to successfully implement the measures determined by this Article.
The Enforcement of Criminal Sanctions Act	Article 13	Self-governing local communities shall provide community work within the framework of the tasks falling within their powers and ensure implementing organisations. They shall send the list of community work and implementing organisations to a competent social work centre at least once a year.
The Minor Offences Act	Article 3	Ordinances adopted by self-governing local communities may define minor offences and prescribe fines for these minor offences only up to a specific amount and exclusively for violations of regulations which they themselves have issued within the limits of their jurisdiction and which are not sanctioned by an Act or a decree.
The Protection of Public Order Act	Article 25	A municipal warden shall seize the items related to a minor offence referred to in paragraph one of Article 11 of this Act without a prior decision issued by the competent authority.
The Services of General Economic Interest Act	Article 5	Public goods shall be accessible to everyone under the same conditions determined by a law or a local community ordinance.
	Article 14	The state and local communities shall establish bodies for the protection of the users of public goods that are composed of their representatives.
The Social Entrepreneurship Act	Article 5	By means of a council, ministries, and governmental offices, the Government shall promote the development of social entrepreneurship at the local level. Social entrepreneurship activities shall be carried out in the following areas: social protection, family protection, the protection of disabled persons, science, research, education, ensuring and organising youth work, the protection and promotion of health, ensuring social inclusion, the promotion of the employment and professional training of unemployed persons or persons facing a risk of unemployment, job placement for persons determined in Article 6 of this Act, including the activity of providing the work of such workers to other employers, ecological food production, nature conservation, spatial planning and environmental protection, animal protection, etc.

The Self-imposed Contributions Act	Article 1	A municipality can introduce a self-imposed contribution for the construction or reconstruction of public infrastructure, utility services, public transport infrastructure, public infrastructure in the field of childcare, primary education, health care, culture, sport, and other public infrastructure provided by the municipality.
The Financing of Municipalities Act	Article 11	In order to identify the appropriate expenditure for financing the tasks of municipalities, the costs of financing the tasks to be carried out by municipalities within the scope of their competences laid down by regulations governing individual areas shall be taken into consideration, and particularly the following: the development of the municipal traffic infrastructure and ensuring safety on municipal roads; fire protection and protection from natural and other disasters; spatial arrangements of municipal significance, protection of the environment and nature conservation, etc.
The Energy Act	Article 19	In adopting policies, strategies, programmes, plans, general and specific legal acts, and implementing measures based on this Act, the state and local communities shall make efforts to minimise the negative environmental impacts with regard to the environmental burdens throughout the life cycle thereof. In the event of policies, strategies, programmes, plans, and general and specific legal acts that have long-term environmental impacts, efforts shall be made to reduce the environmental burden on future generations.
The Maritime Code	Article 45	Local communities on whose territory ports are situated, except for the ports referred to in the preceding Article of this Act, shall provide a commercial public service in the area of maritime activities in respect of the following services: maintenance and development of port infrastructure open to public traffic and the regular acceptance of ship-generated waste. Local communities shall also ensure the provision of commercial public services regarding regular maintenance of navigation safety facilities and sea-lanes in marinas and recreational ports.
The Inland Waterways Navigation Act	Article 4	Navigation on inland waterways in its area shall be regulated by a local community by a general act determining a navigation regime, taking into account the natural conditions in order to ensure the safety of navigation when carrying out touristic, sports, and recreational activities or activities promoting their development. In determining the navigation regime, a local community shall take into consideration the provisions of this Act and regulations issued on the basis thereof as well as the regulations on the protection of the environment, nature and water conservation, freshwater fishing and spatial planning, and natural conditions and other conditions that ensure the protection of human life and the environment.
The Road Traffic Rules Act	Article 6 Article 15	Municipalities shall define the conditions and means of removing and storing improperly parked or abandoned vehicles within the meaning of Article 19 of this Act, and the conditions and means of use of devices to temporarily prevent the removal of a vehicle (wheel clamps) that has been parked on a road in an urban area contrary to this Act or traffic regulations. Municipalities shall define the costs of the removal and storage of improperly parked or abandoned vehicles referred to in point 1 of paragraph two of this Article and for the placement of wheel clamps on improperly parked vehicles referred to in point 2 of paragraph two of this Article. On roads within built-up areas (including uncategorised roads used for public traffic), on municipal roads outside built-up areas and uncategorised roads outside built-up areas used for public road traffic, municipal traffic wardens shall oversee implementation of the provisions of this Act.
The Drivers Act	Article 6	For the purpose of planning and coordinating tasks relating to accident prevention and road traffic education at the local level, local self-governing communities shall establish road safety councils for accident prevention and education, which shall act as a consultative body as regards the mayor.
The Exercise of the Public Interest in Culture Act	Article 66	Municipalities shall provide at least the public cultural goods defined by a special Act (library activities, cultural heritage protection, archival activities, and similar), support amateur cultural activities including those aimed at the cultural integration of minority communities and immigrants, and cover the other cultural needs of their inhabitants as established in their programmes for culture.

The Protection of Documents and Archives and Archival Institutions Act	Article 57	The archival institutions of self-governing local communities shall protect the public archives of the authorities of self-governing local communities, bearers of public authority and public service contractors contracted by the relevant self-governing local community, as well as of funds, agencies and other legal entities set up by self-governing local communities. A self-governing local community may establish an archival institution for the protection of its public archives.
The Cultural Heritage Protection Act	Article 2 Article 101	Heritage protection shall be provided in the public interest. The public interest in heritage protection shall be defined in accordance with the cultural, educational, developmental, symbolic and identity significance of the heritage for the state, regions, and municipalities. A municipality may, on its own or jointly with other municipalities, establish museums or other organisations for the provision of the optional municipal public service of movable and intangible heritage protection, or ensure the performance of the municipal public service of movable and intangible heritage protection in some other manner.
The Nature Conservation Act	Article 8	The regulation of issues concerning biodiversity conservation and the protection of valuable natural features shall fall within the competence of the state, with the exception of issues of local importance concerning the protection of valuable natural features, which shall fall within the competence of the local community.
The Environmental Protection Act	Article 4	When adopting policies, strategies, programmes, plans and general legal acts and in dealing with other issues within their competences, the state and self-governing local communities shall promote economic and social development which in meeting the needs of the present generation takes into consideration the equal possibilities of future generations to meet their needs and enables long-term conservation of the environment. For the purpose of promoting sustainable development, environmental protection requirements shall be integrated into the formulation and implementation of policies and into activities in every area of economic and social development.
The Waters Act	Article 92	The local community shall be responsible for protection against precipitation in settlement areas. Protection against the adverse effects of precipitation shall comprise, in particular, measures to reduce the outflow of precipitation from urban surfaces and measures to limit the discharge of municipal water and precipitation.
The Fire Protection Act	Article 17.b	An assembly of a municipality may, with regard to geographic, weather, urban or other conditions, lay down special fire protection measures for protecting the settlement or natural environment against fire.
The Fire Service Act	Article 6	In accordance with its powers, a municipality shall ensure the organisation, equipment, and functioning of the fire services.
The Protection against Natural and Other Disasters Act	Article 5	Within their responsibilities or possible rights and obligations, protection against natural and other disasters shall also be provided by local communities.
The Act on the Slovenian Red Cross	Article 27	Municipalities shall conclude direct contracts with the local organisations of the Slovenian Red Cross for co-financing the operations of the local organisations of the Slovenian Red Cross and their specific programmes of local importance in the public interest carried out by local organisations of the Slovenian Red Cross in the field of protection against natural and other disasters, health care, social care, and humanitarian activities, in the area of an individual municipality on the basis of agreed annual plans.
The Health Care and Health Insurance Act	Article 3	In accordance with their rights and duties, a municipality or town shall ensure conditions for providing health care in their area.
The Health Services Act	Article 12	If there is no primary health care centre in a municipality or a town, the municipality or town in cooperation with the Health Insurance Institute of Slovenia shall ensure that preventive and other programmes in primary health care are carried out on the basis of a contract with another primary health care centre, a health station, or private health care professionals that carry out private health care services on the basis of a concession.
The Social Assistance Act	Article 43	A municipality shall ensure a public service network for family help at home.
The Equalisation of Opportunities for Persons with Disabilities Act	Article 13	Adapted non-profit rental housing shall be provided by local self-government communities to all persons with disabilities who apply for a non-profit rental housing unit and they shall be placed on a priority list of persons entitled to such housing.

Pravica do varnosti – očrt pravne ureditve na državni in lokalni ravni v Sloveniji

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V članku je pravica do varnosti prikazana v perspektivi njene pravne ureditve na državni in lokalni ravni v Sloveniji. Pravica do varnosti je kot temeljna pravica posameznika zapisana v slovenski Ustavi in ratificiranih mednarodnih konvencijah s področja človekovih pravic. Ustavnopravno in mednarodnopravno je ta temeljna pravica posredno zagotovljena tudi z varovanjem drugih temeljnih pravic ter z nekaterimi določbami zakonov in drugih predpisov s področja kazenskega, prekrškovnega, civilnega in upravnega prava. Uresničevanje teh predpisov in njihovih določb je zagotovljeno z opravljanjem nalog ter izvajanjem pristojnosti in pooblastil organov in institucij nacionalnovarnostnega sistema ter drugih organov in institucij, tako na državni kot tudi na lokalni ravni. Članek podrobneje analizira ustavne in zakonske pristojnosti policije in občin na področju zagotavljanja varnosti v lokalnih skupnostih. Osredotočen je na naloge občin, ki so potrebne za normalno delovanje pravnega reda na področju zagotavljanja in uresničevanja posameznikove pravice do varnosti. Posebna pozornost je namenjena predpisovanju in sankcioniranju prekrškov, ki spadajo med pristojnosti občinskih in mestnih svetov, mestnih in (med)občinskih redarstev ter mestnih in (med)občinskih inšpektoratov.

Ključne besede: varnost, pravica do varnosti, ustava, zakonodaja, lokalne skupnosti

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